

GOVERNORS'  
CONFERENCE  
PROCEEDINGS

== 1915 ==

*Boston, Massachusetts  
August 24-27, 1915*

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**PROCEEDINGS**

**OF THE**

**EIGHTH**

**MEETING OF THE GOVERNORS**

**OF THE**

**STATES OF THE UNION**

**HELD AT**

**BOSTON, MASSACHUSETTS**

**AUGUST 24-27**

**1915**

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## ORGANIZATION

AUGUST 27, 1915 TO 1916 ANNUAL MEETING

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### Executive Committee

GOVERNOR WILLIAM SPRY, Utah

GOVERNOR HENRY C. STUART, Virginia

GOVERNOR ARTHUR CAPPER, Kansas.

### Treasurer

FORMER GOVERNOR JOHN FRANKLIN FORT

Essex Building, Newark, New Jersey

### Secretary

MILES C. RILEY

Madison, Wisconsin

## ROLL CALL

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Governor George W. P. Hunt, Arizona  
Governor Marcus H. Holcomb, Connecticut.  
Governor Moses Alexander, Idaho.  
Governor Edward F. Dunne, Illinois.  
Governor Arthur Capper, Kansas  
Governor Luther E. Hall, Louisiana (Represented)  
Governor Oakley C. Curtis, Maine  
Governor Phillips L. Goldsborough, Maryland  
Governor David I. Walsh, Massachusetts  
Governor W. S. Hammond, Minnesota  
Governor S. V. Stewart, Montana  
Governor Rolland H. Spaulding, New Hampshire  
Governor Charles S. Whitman, New York  
Governor R. L. Williams, Oklahoma  
Governor R. L. Beeckman, Rhode Island  
Governor Richard I. Manning, South Carolina  
Governor Frank M. Byrne, South Dakota  
Governor William Spry, Utah  
Governor Charles W. Gates, Vermont  
Governor Henry C. Stuart, Virginia  
Governor Ernest Lister, Washington  
Former Governor Elias M. Ammons, Colorado  
Former Governor Alva Adams, Colorado  
Former Governor Albert W. Gilchrist, Florida  
Former Governor William T. Haines, Maine  
Former Governor Eugene N. Foss, Massachusetts  
Former Governor Adolph O. Eberhart, Minnesota  
Former Governor Henry B. Quinby, New Hampshire  
Former Governor Samuel D. Felker, New Hampshire  
Former Governor John Franklin Fort, New Jersey  
Former Governor John A. Dix, New York



Former Governor Cole L. Blease, South Carolina  
Former Governor Allan T. Fletcher, Vermont  
Former Governor William Hodges Mann, Virginia  
Former Governor Francis E. McGovern, Wisconsin  
Former Governor Joseph M. Carey, Wyoming  
Lieutenant-Governor Thomas C. Barrett, Louisiana

**DISTINGUISHED GUESTS AT CONFERENCE**

**HONORABLE JOSEPHUS DANIELS**

Secretary of the Navy

**HONORABLE WILLIAM C. REDFIELD**

Secretary of Commerce

**HONORABLE T. W. GREGORY**

Attorney General of the United States

# GOVERNORS' CONFERENCE

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## ARTICLES OF ORGANIZATION

### ARTICLE I.

The style of this organization shall be the "Governors' Conference."

### ARTICLE II.

Active membership in the Governors' Conference shall be restricted to the Governors of the several states and territories of the United States, the term "Governors" to include Governors-Elect. Ex-Governors shall be received as honorary members and, as such, shall be entitled to all the rights and privileges of active membership except the right of voting.

### ARTICLE III.

The functions of the Governors' Conference shall be to meet yearly for an exchange of views and experience on subjects of general importance to the people of the several states, the promotion of greater uniformity in state legislation and the attainment of greater efficiency in state administration.

### ARTICLE IV.

The Conference shall meet annually at a time and place selected by the members at the preceding annual meeting.

### ARTICLE V.

The Conference shall have no permanent president.

A Governor shall be selected by the Executive Committee at the close of each half day's session to preside at the succeeding meeting.

## ARTICLE VI.

There shall be no permanent rules for the government of the Conference in discussion or debate, but the procedure at any session shall be subject to the pleasure of the Governors present.

## ARTICLE VII.

The proceedings of the Conference shall be fully reported and published.

## ARTICLE VIII.

The affairs of the Conference shall be managed by an Executive Committee composed of three members to be chosen by the Conference at the regular annual meeting. They shall hold office until the close of the succeeding regular annual meeting and until their successors are chosen. Vacancies in the Executive Committee may be filled by the remaining members thereof.

## ARTICLE IX.

A secretary and a treasurer shall be elected by the Conference at each annual meeting.

The secretary shall attend all meetings of the Conference, keep a correct record thereof, safely keep and account for all documents, papers and other property of the Conference which shall come into his hands, and shall perform all other duties usually appertaining to his office or which may be required by the Executive Committee. He shall be paid an annual salary of not to exceed twenty-five hundred dollars and shall be reimbursed his actual and necessary expenses incurred while traveling on the business of the Conference.

The secretary shall annually prepare and submit to the Conference a budget of the expenses for the ensuing year. He shall make all necessary arrangements for a program for the regular annual meeting and shall edit the stenographic reports of the proceedings at all meetings. He shall, also, so far as possible, co-operate and keep in touch with organizations, societies and other agencies designed to promote uniformity of legislation.

## ARTICLE X.

The treasurer shall have the custody of the funds of the Conference, subject to the rules of the Executive Committee. He shall deposit funds of the Conference in its name, shall annually report all receipts, disbursements and balances on hand, and shall furnish a bond with sufficient sureties conditioned for the faithful performance of his duties.

## ARTICLE XI.

Persons not members of the Conference shall not be heard until the regular order of business for the day has been concluded, and then only by unanimous consent. All programs for social entertainment must be approved in advance by the Executive Committee.

## ARTICLE XII.

These articles or any of them may be altered, amended, added to or repealed at any time by a majority vote of all Governors present and voting at any regular annual meeting of the Conference.

# MEETING OF GOVERNORS

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## EIGHT ANNUAL SESSION

TUESDAY, AUGUST 24, 1915.

The Eighth Conference of Governors was called to order in the Senate Chamber, State Capitol, Boston, Mass., at 10:30 A. M., by Governor Walsh of Massachusetts, Chairman of the Executive Committee.

## ADDRESS OF WELCOME

GOVERNOR DAVID I. WALSH OF MASSACHUSETTS.

Governors in attendance at the Eighth Annual Conference, ladies and gentlemen: I may say without exaggeration that the office which I hold—an office as most of you are well aware that is not entirely free from perplexing difficulties—has brought me few pleasures as unalloyed as the satisfaction I feel to-day in the privilege of extending to you, in the name and on behalf of the Commonwealth of Massachusetts, a most cordial greeting and hearty welcome. I can assure you that the welcome, though official, has nothing perfunctory about it, and that no language at my command can exaggerate the kindly feelings of our citizens towards you, or their deep appreciation of the honor conferred by your visit and the mutual benefits to be expected from it. Massachusetts, the mother of States, has contributed her sons and daughters to the citizenship of every other commonwealth, and in return has received from each

sister state some of the most valued elements of our present citizenship. This gathering is, therefore, in a sense a home-coming, and there is in our welcome a personal element of family affection and a relationship even closer than that due to our common flag and our firmly united nationality.

We hope that you will find both pleasure and profit in your visit—that you will see something in the results of our industry and enterprise to commend and emulate, and much in the beauties of nature to enjoy; and much also in the thrift and energy, the contentment and good order, the loyalty and patriotism, pervading all classes of our people, to satisfy you that we are doing our part to make this great experiment in democratic self-government which our fathers here inaugurated a complete success. We confidently expect in our turn to gather, as these meetings go on, many suggestions of great value from your impressions of us and from your reports of experiments tried and results achieved in the fields of industry, social welfare and civil government in your several commonwealths.

Is it not, when we think of it, a notable testimony to the inestimable value of these free institutions of ours, and an especial cause of gratitude to Almighty God, that while half the world is in the throes of a mad and horrible convulsion which bids fair to set back the march of European civilization a hundred years, we, the chosen representatives of peaceful and happy millions and the chief executives of so many great and prosperous states, should be gathered here to study the great question of peace, to plan for the still further improvement of the industrial and social conditions of our day, and to increase the prosperity and happiness of the most prosperous and happy people under the sun?

While we should greet with cordiality any gathering of representative citizens of the sister states, we are especially glad, for practical reasons, that so many of you are here as governors rather than in any lesser representative capacity. The founders of our nation, in their natural reaction from monarchical government and arbitrary rule, hedged in the chief executive with limitations that tended to reduce him to an ornamental figure-head; but of late it is becoming

generally understood that the business efficiency indispensable for good government can only be secured by concentrating power and responsibility to a far greater degree than the fathers planned. It is no longer the prevalent doctrine that the executive must sit aloof from legislation; on the contrary, the general expectation and demand is that he, the one responsible representative of the whole people, shall by all proper means press upon the legislature the reforms which public opinion craves. It is true that our forms of government have not yet been so modified as to enable our chief executive to comply fully and directly with this general demand, yet strong men have shown how even under existing constitutional limitations it is possible for a president or a governor, if only he has the people behind him, to mould reluctant legislatures to the popular will—not indeed by the use for ulterior purposes of the appointing power, a weapon far more dangerous in the recoil than in the discharge, but solely by virtue of the publicity which he can always command in fair measure, even when selfish interests are able to close the avenues of publicity against less favorably situated champions of the common good.

I must indeed admit, and I am sure that you will all agree, that as a substitute for law-given authority this indirect method of enforcing the people's will is not wholly satisfactory. Every one of us, I have little doubt, has more than once found it impossible to induce the legislature to take action that we were confident a large majority of the voters desired. Nevertheless I venture to say that you have been enabled by the power of publicity and the backing of an aroused public opinion to obtain—sometimes even from legislatures opposed to you politically—many important reforms which as the years go by will result in benefits to the people of your several states that cannot be reckoned in dollars and cents. Because you wield this power, and because we rely upon your courage and impartiality in wielding it, our welcome, warm and cordial as it would be in any case, is made still heartier by our lively sense of the

far-reaching benefits which we confidently expect as the ultimate result of your visit.

We expect in the first place that you will teach us your methods of attacking certain problems which we have as yet failed to solve, but which, as we are dimly aware, have been satisfactorily handled in one state or another of those represented here to-day—that you will show us, for example, how to develop our neglected agricultural resources and revive our decadent agriculture, and will teach our farmers how to co-operate in the production and distribution of the food products, to the mutual advantage of producer and consumer and the amelioration of living conditions in our industrial centres.

Because we feel so keenly the need of uniformity in legislation between the states in many matters affecting the social welfare and business prosperity of all alike—because we desire so earnestly that the uniformity shall be a levelling up and not a levelling down—we hope and expect that as you study our social and industrial conditions you will be so impressed by the advantages that have resulted to employer and employe alike from the liberal labor legislation in which Massachusetts takes especial pride that, while you are inspiring us to copy your successful experiments in civil government, you will yourselves in turn be inspired to induce your commonwealths to imitate whatever you may find in our statutes that is better and more progressive than your own.

I wish to extend a most cordial welcome also to you the members of the conference on universities and public service, who are to consider and advise us upon a branch of the great social uplift movement of our age that is second in importance to hardly any other. Your coming is most timely, since Massachusetts is just embarking in an attempt to extend the scope of our free education to the full limit of the people's need, and to secure for the public the full benefit of the splendid educational institutions that have done so much individually for the favored sons and daughters not only of Massachusetts but of many other states. We bespeak with confidence your advice and assistance in this



movement which is looked upon with such high hopes by many thousands of young men and women in our industrial cities and rural towns.

And so, in the name of the people of Massachusetts, I welcome you most heartily not only to our public places and institutions, to our marts of commerce and hives of industry, to all the varied attractions of our urban and rural life, but to the hearts and homes of our people also. I know of no similar event that has ever aroused such a general interest among us as the news of your coming. Our citizens have awaited this day with especial pleasure because of the opportunity it affords them to show the respect and admiration which they feel for the splendid and vigorous commonwealths which you severally represent, and to manifest the spirit of brotherhood which they entertain toward the people of every one of the sister states. I hope I may be pardoned if I take this opportunity to express my personal appreciation of the enthusiasm with which they have cooperated with me in preparing to give you a fitting welcome and make your visit memorable. They have opened their hearts and their purses also, and have authorized me to draw upon their private resources as well as the public treasury to whatever extent may be necessary to insure you a full experience of the genuine Massachusetts hospitality. Well as I thought I knew our people, the warmth of their feeling on this occasion has surprised me, and passes my powers of expression. The Old Bay State opens her arms to you in true motherly fashion, and seeks to manifest in every possible way her pride in your achievements in nation-building and her joy in your wonderful prosperity. May your enjoyment and satisfaction in your visit equal ours in welcoming you among us—I can voice no better wish.

GOVERNOR WALSH—In no state in the union is the seat of government located in so large and so historic a city as in Massachusetts. We are very proud of Boston, proud of its growth, proud of its prosperity, proud of its people, and it gives me great pleasure to present to you, to extend the

greetings of the city of Boston, the chief executive of that city.

I have the honor of presenting to you his Honor, Mayor Curley of Boston.

### ADDRESS OF WELCOME

HONORABLE JAMES M. CURLEY, MAYOR OF BOSTON.

Your Excellency, Invited Guests, Ladies and Gentlemen: It is an exceeding pleasure under any condition to welcome the responsible head of government representing any commonwealth in the entire nation. It is doubly a pleasure to welcome the representative heads of many commonwealths of this Union, and it is a pleasure beyond measure to welcome them in historic old Boston within the walls of a chamber that bespeaks the story of the past, within the chaste buff and blue that dates back to the earliest times in our history, and greet you here and say that Boston's message to the commonwealths of this Union is to-day the same as it was in 1775—a message of service, service to the Union, service to humanity the world over.

We are pleased that your stay is to be one of sufficient duration to permit of your visiting those scenes that have meant so much to humanity,—that beacon of liberty, Faneuil Hall; the old State House; Bunker Hill Monument; Dorchester Heights; the Old North Church; the Boston Common; and more recent evidences of the same spirit of service on the part of the citizenship that are to be found in our city,—the Franklin Institute; the Wentworth Institute, representing benefactions totalling more than five millions of dollars, the purpose of which is to provide enlarged opportunity for the youth of our community. The Forsythe Dental Infirmary is another contribution to service and humanity.

The prevailing impression is that the Old Bay State of Massachusetts and the old, historical City of Boston typify ultra-conservatism. With His Excellency the Governor it

has been my pleasure during the present year to visit the Western section of the United States, and, like him, I return impressed with the spirit of optimism that prevails in the West. While our optimism is perhaps more temperate in Massachusetts and in Boston than in other sections of the United States, there are still some facts that cause Boston to stand forth among the cities and the commonwealths of this Union.

The assessed valuation of our city in 1915 was in excess of one billion dollars. Its national banks and trust companies have a capital of over fifty million dollars, and nearly three hundred millions of dollars on deposit. Its bank clearings are over ten million dollars annually. It has over three thousand manufacturing establishments, with a capital of one hundred fifty million dollars; seventy-five thousand employees, who earn in wages each year approximately fifty millions of dollars, and has total manufacturing products of over \$200,000,000 yearly. Boston is the largest shoe, leather and hide center in the entire world. It is the greatest wool market in the United States. We have here the largest fish pier to be found in any city in the entire world. It is the leading confectionery center of this country. It is the country's greatest domestic dry goods market. Its sales of rubber boots and shoes are the largest in the world, amounting to 35,000,000 pairs annually. It manufactures nearly \$15,000,000 worth of clothing yearly, under the best hygienic conditions, which are superior to any in this country devoted to this industry. It is the world's greatest automobile specialty selling center,—all of New England and the British provinces receiving mainly their supplies from this city. It has within the city, and in its immediate suburbs, the largest manufacturing establishments in the world, which are devoted to producing boots and shoes and shoe machinery. Its population is nearly 1,500,000 in the greater city. It has a population within a 50 mile radius of 3,500,000 people. It is the metropolis of New England, which comprises a population in total of 7,000,000 people. It has one fifteenth of the English speaking and English reading buyers who reside in the United States, that live

within fifty miles of its center. Boston is the second commercial port of the continent, with imports and exports which yearly amount to, in round numbers, three hundred millions of dollars. It is the natural port of the Northwest and of the Dominion of Canada. Its splendid harbor channels are being improved daily; over \$8,000,000 have so far been expended in this work, and to-day we have the finest and largest wharves and piers in the United States. It is nearer to Europe and all Mediterranean ports than any other large city on the sea-coast and is the favorite point of departure and arrival for travellers to and from Europe. It is the terminus of three great railway systems, connecting with the Northwest, West, South and Canada. It has millions of square feet of land that are vacant and adjacent to the water front or railroads, which are suitable for manufacturing purposes of all kinds. It has magnificent ocean beaches in its immediate vicinity. It is within a short ride by steam, trolley, boat or automobile of historic Lexington, Concord, Salem, Plymouth, Cambridge and many other famous places. It is the great gateway and clearing-house of Summer tourist travel to the coast places of Massachusetts and Maine, to the White and Green Mountains, to the lakes of New Hampshire and Maine, to Bar Harbor and the Canadian Provinces' resorts. It is the greatest educational center in the entire world.

We welcome you here and we trust that your stay will be one of pleasure and that you will find opportunity to visit some of the newer creations of the present generation of Boston, as well as revisit those old, historic edifices that have made Boston's contribution to the world one to be conjured with in every section of the civilized world.

GOVERNOR WALSH—I will now ask Governor Spry of Utah to respond to the welcome which has been extended to you.

## RESPONSE TO WELCOME

GOVERNOR WILLIAM SPRY OF UTAH.

Gentlemen of the Conference, Ladies and Gentlemen:

It is an undoubted honor to have been selected to make the response to such a splendid and hearty welcome as that given to us by our host, Governor Walsh of Massachusetts, and by his Honor, Mayor Curley, and I am sure that during our stay here it will be a pleasure for each of the Governors, with his friends who have accompanied him, to accept of the very kindly tenders that have been made looking toward our enjoyment and our edification.

We come here for the purpose of communing, one with another, along the lines as suggested by Governor Walsh in his words of welcome, and in order that we might take back to our respective states some one thing or other that perhaps we have not as yet put in operation. And it is good that we should do those things. It is highly proper that in the interests of the great Commonwealths represented here this morning, and which shall be represented at this conference, that the chief executives take home with them every good thing that they may be able to assemble in this great communion.

But there is another side, also, to this conference,—the friendly side, the personal side, the social side,—that I cannot help but mention in passing, because nothing has afforded me more pleasure during my association with the Conferences of the past than meeting the gentlemen from the various states of the Union, in looking into their faces, grasping them by the hand and in carrying back to my own state that spirit of brotherhood, that spirit of generosity, the social idea that naturally one comes in contact with in assemblies of this character. And it has been a very distinct pleasure to me as I know it has been to each one of you brother Governors to form the acquaintances of the last few years through associating together in conferences of this character; and in behalf of the visiting Governors and their

families and friends whom they have brought here to this conference, we accept the cordial and the most gracious welcome that has been extended to us here this morning and assure our hosts, the people of Massachusetts, and also the good people of Boston, that we shall take very much pleasure in accepting those courtesies, that we shall be pleased to enter their hearts and their homes because of the pleasure that it shall afford to us all.

GOVERNOR WALSH—There is to be held in another part of this building another conference, the Conference on Universities and Public Service. The delegates to that conference are here in this room, and I will ask Professor Albert B. Hart of Harvard University to respond to the welcome which has been extended to the members of that conference.

### RESPONSE TO WELCOME

PROFESSOR ALBERT BUSHNELL HART, of Harvard University, in behalf of Delegates attending Conference on Universities and Public Service.

Your Excellency, all your Excellencies: In behalf of an association which has now been laboring for some time from its point of view to improve American government, I come before you as representing the raw material with which it is your official duty to deal.

It is a great thing to be a governor. One of my colleagues relates a tale of a lady who once shook him effusively by the hand, because, she said, "My mother once shook hands with Governor Andrew, and so I have got to shake hands with you." These subrogated courtesies do not often come to those in private life. Perhaps you would be willing to shake hands less and shake conviction more.

Politics in the United States is necessarily an informing career. The public notices some deficiencies in its legislators, except of course those of the states whose governors are present. We must reflect that no man can be a member of a legislature, even though his convictions are transferred

to him by higher authority, without knowing more about his state, his country, and the problem of government, than he knew before he was so honored.

Therefore, Massachusetts is full of trained statesmen, every one of whom is—shall I say, competent to be a governor? No. Competent to be a lieutenant-governor with hopes for the future!

The society of which I am a member and which I here represent has one advantage over any body of public servants; an advantage illustrated by the famous Lincoln-Douglas debates, some of the amenities of which do not appear in the official report. Among them it is said that, on one occasion, Douglas twitted Abraham Lincoln with having been a bartender; and it hurt, it cut deep, because of the truth of it. In his youth, Lincoln, as proprietor of a country store, had sold ribbon and tape, grain, flour, molasses, whiskey and every other necessity of life. But when his opportunity came, Lincoln replied, "Judge Douglas has spoken of me as a bartender. It is true, gentlemen, that I have been a bartender, and it is also true that Judge Douglas has been a bartender; the difference being, gentlemen, that Judge Douglas tended the outside of the bar while I tended the inside. And there is another difference, I left off bartending years ago, but Judge Douglas keeps right on tending bar just the same."

What does this allegory signify? You Governors will, in due time, all be senators, you will not be forever in the gubernatorial chair, you will leave off your bartending, but the critics, the society which I represent, will keep on tending bar just the same.

How refreshing it must be to the Governors of the Commonwealths of the country to be present in a state where criticism is the staple. If Massachusetts has ever been satisfied with her legislature, it was before my coming to this Commonwealth, which was 39 years ago. The people were then complaining of the legislature. It makes me think of the tale I heard in California the other day, about the climate in Oregon. A man went to Oregon and at the end of three weeks he said to his neighbor, "How long has

it been raining here?" And the neighbor replied, "I don't know, because I only came in 1885, and it has rained ever since; but," he added, "I know a man who came in 1866 and it was raining then; and that man told me that he knew of a man who had come there in the great exodus of 1844, and it was raining then." And I assure you, in behalf of this society, that you may be sure that so far as the reformers are concerned it will always rain.

It is a great thing that there should be an understanding among the Governors of the Commonwealths; for it is a responsible and onerous office. The attention of the community is always centered upon the man who has arrived at that eminence. In many states the Governor can be a power. What we want is that the Governor in every state shall be a power. The organization of my society is trying from our point of view to improve government, and believes that the way to improve it is not to whittle off the powers of government until you have left nothing but a match box, but to create huge chunks of power. We have seen in the past few years an immense addition to executive power in the White House, in the Governor's residence, in the Mayor's office; we see more and more what can be done by resolute men. What we are after is accomplishment.

It is amazing that no state in the Union has taken a leaf from the national book by giving the governor power sufficient to meet the conditions prevailing today. New York seems upon the brink of the important discovery that efficiency is a necessary part of the powers of government. Efficiency is a hard word and stiff word, but the underlying idea is a good one, namely that if you pay a man a salary, he ought to earn it; and if he wants a government post because there is a little work in it, he doesn't deserve any salary. If you go into a restaurant and order a dinner, you may be willing to pay what it is worth on the principle of the Westerner who came into the Waldorf-Astoria for the first time. He knew it was an expensive place, but he was equal to the situation. He called the head waiter and said, "Give me ten dollars' worth of ham and eggs."



That is the way in government. If you pay ten dollars, you want ten dollars' worth, not a quarter's worth with a sprig of holly on it.

The society which I represent is a unit in the feeling that you responsible gentlemen should receive more power than you now enjoy.

Of course this is a democratic country. A friend of mine overheard a bit of conversation, while he was abroad, in which a gentleman of Ireland was explaining to a lady that he wanted her to cross the ocean with him. She seemed rather to hang back, and said, "What is this country of America?" "Why," he said, "it is this kind of country; in America you can ride with the King, and if the King doesn't like it you can say, 'Get out and walk.'" After all, in this country the people are the King.

The principles for which this organization stands give it a right to extend a cordial greeting to the Governors of the United States, because we should like an opportunity of helping on a system by which you can get the kind of people you need for the job. You cannot get them unless you are allowed to select the men yourselves, unless you are allowed to call them to account, and if necessary to remove them; and to that end the society is trying to bring about a relationship between the great universities and the public service. We believe that the national Universities ought to serve the national needs.

A Pennsylvania miner some years ago sent his son to a large institution of learning not very far from this building, in fact about three and one-half miles. A friend reproached him saying, "What did you send your son to Harvard for? Don't you know it is a rich man's college?" He answered, "I don't care what kind of a college it is. I want my boy to go to the kind of a college so that he can look any man in this world in the face and say, 'Go to hell'."

What you need in the affairs of the state is a class of efficient, trained, responsible men, and the universities will be left out in the cold unless they can accommodate themselves to the public service, unless their young men are

willing to take their places with others in elective and appointive office.

One word more on a point which has not probably occurred to you unless you have read the morning papers. The United States is in deep waters; every nation is in deep waters, whether at war or in peace. We are beginning a new era, an era in which no people have a possibility of success, unless their nation is able to use its own resources. Graft, corruption and incapacity are henceforth to be looked upon as treason. The United States needs the service of every man, it needs the honest expenditure of every dollar raised for public government. I am glad there are governors who feel their national as well as their state responsibility.

GOVERNOR WALSH—Before introducing the first speaker who has an assigned topic, I think perhaps I ought to announce to you the program for the week in order that you may govern yourselves accordingly, and plan to accept as many of the invitations as possible.

Immediately after the closing of the morning session, all the Governors in attendance at this conference and their military aids or secretaries are invited and expected to lunch with me at Hotel Touraine. Carriages will be waiting for them in front of the State House. The purpose of this lunch is that the Governors alone may have a chance to meet each other and discuss informally some of the matters to be taken up during this conference.

At the same hour all of the ladies who have accompanied the Governors here are to leave the State House and go to Hotel Lenox where a lunch is to be tendered to them for the very same purpose, in order that they may get acquainted with each other, by my sisters, the Misses Walsh.

This afternoon we are expected to be here at 2 o'clock and proceed with the program, and at 4 o'clock we are to take automobiles to see some of the park system of Boston and the Charles River Basin, part of Cambridge, Harvard University, and we are to be the guests of the city of Cambridge and the Cambridge Board of Trade at Harvard College at a supper there at 5:30 this evening.

Returning from there an opportunity will be given the people of Boston and Massachusetts, I hope, to meet you all and to personally express the pleasure that your coming has given them, and in this building, in the Hall of Flags, there will be a public reception given by the people of the state to all the Governors in attendance, and it is hoped and expected that every Governor will be in the receiving line.

To-morrow morning we have our conference as usual, but the hour is fixed at 9:30 o'clock, because an early adjournment is desired in order that we may accept the invitation of the Boston Chamber of Commerce and the Secretary of the Navy, Secretary Daniels, to leave here and proceed to the Charlestown Navy Yard and board the battleship "Wyoming," to have lunch upon the same, to cruise down Boston Harbor, to review the Atlantic Squadron which is at Boston Light, and then proceed to the North Shore of Massachusetts, there to have an entertainment given by the summer colony of the North Shore, and from there by automobiles to return to the Eastern Yacht Club House at Marblehead Neck, another summer resort, and the Chamber of Commerce are to extend a dinner to us there.

Thursday morning we are to continue our conference at 10 o'clock and proceed until 1 o'clock. At 1 o'clock the Governors are to go to the Engineers' Club on Commonwealth Avenue to have a lunch, and to prepare to go in automobiles in the great military parade which will start at 1 o'clock and which will pass through the streets of Boston.

It has seemed to the public authorities and to the citizens of Massachusetts that they could in no better way show their appreciation of your coming and perhaps assist in no better way in awakening the public interest in the present great problem of this country, military preparedness, than by mobilizing our state militia. It has not been done for years. We are very proud of it, and we hope that you will be proud of it also, that you will be impressed with what you see, and that you will appreciate what Massachusetts has been

doing by its very large appropriations, each year nearly \$1,000,000, to equip and develop a strong militia.

We have felt that the public are entitled to see the Governors of the states as well as those who are fortunate enough to get an invitation to the reception, and they will thus have an opportunity to see the Governors and you will have an opportunity to see them all, not the chosen few at social functions, but the great masses of our people.

After the parade there is to be another drive, automobile ride, and at 6 o'clock in the Copley Plaza Hotel the Mayor of Boston is to be our host, and is to tender us a dinner at that time and at that place. That evening the Mayor of Boston is to give a display of fireworks on Boston Common and the city of Waltham which is across the Charles River hopes to entertain us by a water carnival upon that historic river, and also by a display of fireworks.

Friday the conference will be held in the morning and afternoon, and at night the Real Estate Exchange, one of the flourishing organizations of this city and state will entertain the Governors at an old-fashioned New England clam bake on the shore of Massachusetts.

I think it proper to make that announcement now, so that you can plan your engagements for the week accordingly. Upon the adjournment of the conference I would ask the Governors and the members of the Executive Committee of citizens who have been interested in preparing a welcome for you, to meet in the new executive quarters, and I will ask the ladies to meet in the Council Chamber which is to the right of this hall.

The Mayor of Boston has referred to his visit and my visit to the West. In a brief time, I don't know when in my life I have been so awakened. I realize that the East does not know the West, and I believe that the West does not know the East, and we ought to know each other because we are brothers, and brothers under one flag, one God. And it seemed proper that on this very first morning in the extreme east of the country, in Massachusetts, there should come to us a message from the West. And let me say in passing that I do not think any fact has impressed

us any more here in Boston and in Massachusetts than the news that more than one-half of the Governors attending this conference were coming from west of the Mississippi River. It indicates the interest that the great West has in all that pertains to their advancement and progress, and the welfare of their people.

It seemed proper that we should have a message from the West this morning, and it gives me great pleasure to introduce a gentleman who can so well deliver that message, a Governor who under trying circumstances had the strength and the ability to use his power and the great influence that a governor can exert in a community in an emergency. And it gives me great pleasure to ask Ex-Governor Ammons of Colorado to address us on the "Development of the West."

### "DEVELOPMENT OF THE WEST"

FORMER GOVERNOR ELIAS M. AMMONS OF COLORADO.

Mr. Chairman and gentlemen: I was not certain until a short time ago that I was to make my talk at this time. But it does not matter, because I am not here to make a speech, but to make a plea to the Governors of our sister states and to the people of the East, and of Boston in particular.

The development of the West is an important matter not alone to the West, but to every section of this country. It has more idle land and resources than the balance of the country, many times over. Its development will injure no other portion of the country; but will benefit every part of it. If we are able to produce what we should out there, this country will not have to pay the prices it is now paying for the necessities of life, and our people will also be more prosperous.

I was glad indeed to hear the distinguished Governor of this state say that we were brothers, and that our interests were in common, and I was not surprised to hear him say, after he had made a trip to the West, that the East

does not understand the West, and I am willing to admit that the West does not know the East. Taking that for granted, it is indeed an important thing for this great country, composed of 48 separate states, to get together, compare notes and get acquainted. We know in the West that we are misunderstood. We know also and realize fully that our position is misrepresented in the East, and that is one reason, Mr. Chairman, why quite a number of men who have had wide experience in the West are here today to see if some of these misunderstandings cannot be gotten rid of, and if we can not start out henceforth with a better understanding of conditions in the West and with a better feeling from the people of the East who have the political power to control this country, a better disposition from them to give to the West what the people from that portion of the country feel is due them both from a political and a moral standpoint.

We have very little of the political power out there. We have tremendous resources, but those resources are expensive to utilize.

It is not merely sufficient to plow the land in order to raise crops. Over a large portion of that territory we must build expensive ditches and canals. In my state alone we have invested a quarter of a billion dollars in such enterprises. We have put three and a quarter million acres of land under irrigation, and made them productive. That land was not worth a cent before our people went there, and it is worth today just what it has cost, and the value which we have gotten out of it is the product of our labor which we have stored in the value of that land. Speaking of the other resources, the same conditions prevail, so that on the average—even in the production of gold—it has cost a dollar for every dollar produced. It does not matter what resources you consider—the same condition will apply, and it is fortunate in a way that it does. We are able to save a portion of our wages, our labor, and store it away in the form of buildings and highways or whatever we have built there, and that has been to our advantage. Our people are composed of men and women who did not

have money, but who had enterprise and ambition, but were without financial resource to build for themselves new homes, new Commonwealths, new cities and towns.

Now those people are your people. They came from here. I know many of them who have relatives in this state, and in this city, and they are just the same class of people as you are, except that they have gone to the West to build a new empire, while you have stayed at home to proceed with the further improvement of an old one. Those people are just as much to be trusted as you are to be trusted here. They have their political differences. They come from different parts of the world. They have their difficulties and perhaps more than you have been aware, have developed the idea of popular government. Those people believe they are just as much entitled to govern those states which they have built out of a wilderness and a desert as you are to govern these states which you have in the East, and they want just the same rights. They cannot support their states and control them unless they are given the same powers for home rule that you have. That is what they are coming here and asking for, and it is the main thing they are asking for.

We had, in our development out West, many hundred million acres of public land. Recently some has been withdrawn from entry by the Federal government, and some of this public domain is valuable because of the development in its vicinity by individuals. If you remove that population, there is not a penny of value left in any of the resources, and if we are able to increase that population, then the values of these resources will increase in the same proportion as we shall increase the population and the production, and in no other way.

We have perhaps a little different class of resources from those you have here. I think our land is more fertile when we irrigate it. I hear complaint after complaint in this city about too much rain. We like to see it rain out there. That is something we don't get—too much rain. We have to store up what rain we get in order to keep it and use it when precipitation is lacking.

Take my own state, for illustration— and some states have a larger proportion of public land than we have. We have 66,000,000 acres of land within the state, and less than 1,000,000 of population, and a small fraction less than 32 per cent of that land is on the tax roll. Of that probably only two-thirds is partially developed.

It has been treated as pasture land with the hope that it will be developed in time. So that nineteen-twentieths of the taxation of my state today comes from one-eleventh of the territory. Yet we have all the state institutions to support. We have built \$15,000,000 worth of institutions in that state in the 39 years of our existence as a state. I think we have done well. We have to support some institutions not needed in this state. We must have irrigation schools. You don't need them here, yet that is the most important of all our institutions. We must have a school of mines. We have nearly all of the useful metals which are to be found on the face of the earth. It is expensive to develop those and we are trying to teach the boys there to go out and find and make productive those mines, not only making us wealthy but pouring those minerals into the channels of commerce and benefiting the whole country.

Now, the government has withdrawn a considerable portion of our land from entry and taxation. Some of it was exceedingly valuable. At the time this land was withdrawn there was one class of it alone which was worth \$100,000,000 more than the whole developed land in the state. That is the coal land. We have a large amount of coal land. Some of the coal is not very valuable and it may not be wanted for a long time, because we have enough coal there to supply the whole world for 300 years. In Governor Carey's state, directly North of us, there is 50 per cent more coal than in Colorado. They have withdrawn that land from entry and from taxation. It costs considerable from a police standpoint, to administer that land. The state must pay the bill. Can we stand that? As a single instance we have recently had an experience which cost three-quarters of a million dollars to take care of one strike. This territory must have police protection. schools and every other



necessary instrument of public administration. These lands should pay their share of the cost of government, of policing and schools, highways and penal and charitable institutions. The same thing that is said of the coal lands applies to all other kinds. We have all kinds of lands—agricultural lands, mineral lands, stone lands and clay lands, and no one knows how much there is of each. Sixty-five per cent of the known mineral area of my state has not even been prospected. Only a few acres comparatively have been developed.

I recollect when the government experts said that Cripple Creek was impossible and there could not be mineral there, and when the old miners went in there and got the gold they said it was a shallow affair and there would be nothing below the 900 foot level, and yet the richest discoveries, the most recent strikes, have been made at from 1300 to 1900 feet in depth.

Yet they have established these forest reserves over practically our entire metalliferous area, and are laying down all sorts of restrictions for the mineralized territory of that state—such restrictive regulations that they have driven practically every prospector out of the country. Not a single important discovery has been made in that territory since the reservations were thrown down like a wet blanket on our mining industry. Not a single one of those restrictive rules would have a particle of value to the administration of the forest reserve. We have had some of those restrictions removed, or had had them softened, but they have not gone far enough yet.

Now they tell us they are going to lease our grazing lands. What are grazing lands? Grazing lands are agricultural lands, just as much so as wheat lands.

Of the twenty-one or twenty-two million acres of land that we have been able to deed in Colorado, 95 per cent of that was deeded originally as grazing lands and we have gradually made a development and turned them over into farm lands, if you please, until we have three and a quarter million acres under irrigation, and two and a half million acres that we are cultivating without irrigation.

The richest lands, right close to the city of Denver, were taken up with the idea that they were grazing lands. Since that time they have been turned into farm lands. Why? Because the owners put in the labor and in that way put water on those lands and turned them into farm lands. So that whenever you withdraw the grazing lands of that state—and it is true I imagine of many of the Western states—you stop the development of agricultural lands. There are no farms lying idle for a man to locate on and go right to farming. You have to begin at the beginning, when you take up the land, and you must not too greatly restrict the lands when you take them up. There are lots and lots of lands of that kind that have been withdrawn, and they are proposing to lease them.

Let me tell you one single story. Years ago we had some "cattle kings" in the West, owning great herds. They started to build large pastures on government lands. No settlers dared go inside of those great enclosures—not that they were always badly treated there, but they kept out and thought it was advisable to do so. The matter was called to the attention of Congress, and Congress passed a law preventing those people from fencing that land, and ordered them to tear down the fences they had built. The result was that it opened up a lot of good land for settlement, and that has been settled up. Now, suppose you lawfully lease that land, how many people will you get into one of those pastures to locate? The restrictions would prevent. We want no unnecessary hindrance, open or subtle, to the settler. Every man who comes down to Washington and talks about regulation of the grazing lands is a man with a private interest. He wants possession of it. He wants to regulate it to suit himself, and at a price cheaper than paying taxes. What we want is to have that land settled. You cannot settle it on the leasehold basis. No man will put in the work to develop a farm out of raw land if he cannot own it. If you preserve it as pasture land, as is proposed now, you will get no development whatsoever.

Do you think it fair that a rich nation like this should conserve a lot of territory as pasture land until the surround-

ing settlers, by development, shall make it valuable, and then grab the harvest of their labors by disposing of the land at the advance price made possible by their industry? Do you think that is fair? What will make it more valuable? If it stands still it will not be any more valuable. But here is what you will do probably. You will make that population build up in little spots which they can get here and there, and they will make it more valuable, and then you will put a leasehold on the balance and collect some rentals. Such a tax comes out of the people who have made it more profitable, and out of their labor, and you cannot say that that is fair or equitable.

If Uncle Sam wants to come in on that land as a proprietor in the grazing business—we would rather he would not do it—let him do it on the same basis as any other proprietor. If he does come he won't come personally. He will send some hired men. And we want them to live under the same law that other citizens of those states live under. When one of us makes a contract with him, we want that contract enforceable in the courts as if we made a contract with anyone else. That is not true today. We have asked and asked for that privilege, but we do not get it. How would it suit the old state of Massachusetts to have such a condition? It is fundamentally wrong, and that is what is the matter with it.

Now, if Uncle Sam is to come out West and take up a lot of that land and start in to work it, the water power, grazing and everything else, and make a business of it, to compete with us, we want him to fence that land the same as we fence ours. We want him to pay taxes on the land, the same as we pay on ours. We want him to help support the state institutions, the penitentiary, the school of mines, the irrigation school and everything else, just as we do, and pay his just share of taxes according to the value of his property. Unless he will do that we want him to dispose of that land as he agreed to in the first place, and allow those to come in there who can use it and who will bear their share of the burden of taxation.

When Uncle Sam is a sovereign, it is a different matter from Uncle Sam going into business. I do not believe in Uncle Sam going into business, but if he persists in doing so it seems to me a good deal like going to the funeral of an old friend, because he changes from a friend and ally to a competitor and arbitrary boss. I do not believe that the relationship of master and servant should be aggravated by making the master the government and the servant the governed.

The country seems to have gone conservation mad where appeals to reason go unheeded. With the apparent fixed determination on the part of the people of the East to put the public domain on a basis of tenantry, our case seems hopeless in the face of your overwhelming majority in Congress. The power seems to be yours, but surely you will not depart from every true principle of Americanism and strike a vital blow at our right of local self-government by withholding from taxation the property within our local jurisdictions. Go into business as a nation if you must, but pay your just share of the ordinary expenses of local government.

You people have heard a great deal of the water power in the Rocky Mountain district. Two-thirds of the water power of the country is out there, and you have been told that it is all going into monopolies. Now you ought to look into the facts before you believe such reports. When we send our men down to Congress and meet your people there in Congress, I would like to have you listen to them and not to the men who are trying to get hold of our domain. We elect them to represent us. We would like to have them listened to, because they tell what we want, and have no motive in the world except the building up of their own states. That is a fair proposition, isn't it? We don't try to control the local conditions in Massachusetts. We don't want Congress to legislate for you here in your strictly local affairs. We don't know your problems and we don't want to control them. It is only national features that we care for Congress to handle, and it has plenty to do then, because now, while it is trying to handle these problems in

the West it doesn't do it, because it hasn't the time. But I will tell you what it does do: It appoints a lot of bureaus and it turns over to them—not merely to carry out laws, because Congress passes very few laws in detail on this question—but power to make rules and regulations, and says that those rules and regulations when made shall have the force of law. Is that right?

Now my friends, if you are going into business out there as a nation, then you must provide that the receipts from that property, up to the amount of the ordinary taxes, shall go to the support of the public institutions, and you cannot expect us to grow, you cannot expect us to build as we ought to, unless we have that assistance. In the past, in the forest reserves, they have turned 25 per cent of the revenues back to the states. Do they give us a single penny to support our universities, our state capitol, our government, or the local governments which must protect these people? Not a penny. They give back 25 per cent and they prescribe how it shall be spent.

Look at the history of this great Commonwealth of Massachusetts and see how that would have been entertained by your people. It must be on the same principle that we are not capable of handling our affairs. I would be very pleased if every man in this country who takes an interest in this matter would go out West and study it from the hard, practical standpoint of what exists, and not what has been published—and partly at the public expense, too—about conditions which never have existed and never will exist in this country.

Now, Mr. Chairman, I want to make myself plain. If you are going to insist as a nation in placing a different rule of government over these few Western states, Western states that have made progress which none of the other states made in the same length of time and under a handicap not placed on a single one of the Eastern states—if you are going to do that, see to it with every particle of influence that you have that we shall receive the receipts of that property up to the amount of the ordinary taxes.

One point more I want to speak of is this: Laying especial stress on the water powers. There is just one danger of a monopoly in water power out in that country. Take our streams on the Eastern slopes in Colorado—and the West is about the same—nearly all of those waters rise up near the top of the range, and they flow down through narrow canons. There is about a mile fall on the average. The only danger of monopoly there is where the first storage shall be. That is all. We have worked that out. We are working out the practice that the first use of the water shall be up near the head of the stream. Why? Because the water is not destroyed, and if you use it for power purposes not a drop is destroyed.

Our streams are high in the Spring and low in the Summer months, so that storage is necessary to use the water for commercial purposes for power. So that if you fix your storage basins high enough on the streams the flow is equalized and it can be used over and over again all the way down, and the man who does not have to build a reservoir can come in afterwards and compete with the man who did build. And I defy any man to go there and look over that situation with power sites for mills on the most of it, and say that if you follow that principle there is any possibility of monopolization of water power.

In my own state there are 2,117,000 horsepower of possible development. But only 80,000 is developed and there is not sufficient market for even that. We want it developed if we can have it, and it is not for competition with you. We want to develop the mines to get metals out of the rocks, and do you know that from 95 to 98 per cent of all the ores of that state are very low grade, and we are working them as best we can and getting them rich enough to handle them at a profit? In one place they are closing down a mine because the power is too expensive and yet just across the hill is one of the finest power sites in the state, and they have been trying to get permission from the Federal government to build a power station for five or six years, for just that purpose, and they have not been able to do it. What would be the better for you people in the East—to have

that plant closed down, or to have some use made of that water which is now in the control of the Federal government?

Another thing. Over large areas there is water reasonably near the surface that can be pumped for irrigation purposes, and which would enable us to raise wheat and sell it to your people. We want power to do that. But we cannot get that power and we cannot pump the water. The water is ours, it was given to us originally by Congress and confirmed in our possession when we became a state. We can do this if you will give us the right to handle it our own way, but we are prevented because the United States claims to own the land over which the water flows.

They say that they are trying to prevent monopolization. I have pointed out to you that no man need fear this result. No man can own a drop of water in Colorado unless he uses it. You cannot get an irrigation ditch or a power site and hold it at all, except during the time that you are using that water. That is in our constitution and no power on earth can change it. So that nobody can go there and take that power for future use. He can only take it as it is now, and if you will allow us to follow out the system which we have established through experience we will protect it and make the development which will benefit you as well as ourselves.

During the last decade there was an increase in the farmed area of this country of about  $4\frac{1}{2}$  per cent, and an increase in the population of 21 per cent. That in large measure explains the increased cost of the necessities of life and I have explained to you why we have not developed any more than we have.

You cannot say: "Here are so many tons of coal under this land and it will be worth 6 cents a ton," and fix a value in that way. I can show you coal land that you can buy at one-half cent or one-quarter of a cent a ton. You cannot fix future values. It may be 1,000 years before some of this coal is wanted, and it may never be wanted. Now the highest price on coal is 10 cents a ton on the best land I have found. My state has a large amount of coal land in its trust fund, and it has not been able to lease 3 per cent

of that land on a royalty of 10 cents a ton, and a part of that which it has leased is where private owners have adjacent holdings and wish to work the state and private tracts together, and only  $1\frac{1}{4}$  per cent of our state coal land today is productive.

When people tell you that we have a tendency to gobble up the land in big holdings, let me call your attention to the United States census and you will find that from 1900 to 1910 the holdings fell off on an average of about 90 acres. It is going the other way. But we have got a large amount of land where a man cannot make a living on 160 acres, or 320, or 640 or 1,280 acres. It is cheap pasture land and you must give the man for a homestead what is necessary to make a living. The classification of land ought to be made on that basis and the people ought to be permitted to settle it on the same plan.

Another thing that is absolutely essential: We have a splendid Highway Commission which is at work on a good system of road construction. I asked the commissioner the other day how many miles of road were pressing him now for building, that were needed right at once. He looked over his books and said: "Twenty thousand miles of wagon road." I asked: "How much will it cost to build that?" He said: "Two thousand dollars a mile." Some of it is cheaper—some of it more. There is lots of it through the mountains—great stretches along which there is no taxable property. Now there is \$40,000,000, and if you will pursue this policy of withholding lands from taxation, how are we to raise the money? Are you going to tax our homes and property to do all the work?

Now I wish to impress upon the Governors that those resources which are given us of minerals take the place of agricultural lands. They are just as expensive in administration and it is just as advisable that they should pay their share for the support of our local government as that the agricultural land should, and that we must have taxes from that if we are to be able to support our state government. Our water is in the same category, and our streams constitute the most valuable asset we have.



For the matters in which we have had assistance from the Federal government we are very grateful. We have had help in our agricultural college. We have had aid in our irrigation improvements, in road building and in a great many ways, and for that assistance we are very grateful. We need it and we appreciate it. We can find no reason, however—and we are on the ground and have studied the situation thoroughly—why there should be any unnecessary handicap placed upon the people of the West because that is unfair from every American standpoint.

Once more in closing, I want to say that all we ask for is just the same treatment that has been granted to the Eastern—the strong and influential states of the Union. We assure you that we shall aid you in your problems. We want to protect Boston Harbor. We have no harbor to protect, but every man in Colorado will back you up in every proper effort to improve and protect your harbor. All that we ask is that you will give to us the same just consideration that has characterized the conduct of the people of the East in the years past. And if you do that we shall be entirely content.

The West can be developed with little expense but with great general benefit to the country. Its resources are widely diversified, but little understood. Their best utilization is to be secured only through the prize of ownership. The lands must go to the settler; the minerals to the discoverer and producer; other resources to those who make them available to mankind. Not restrictions, but greater inducement should be the order of the day.

The Federal authorities should cease withholding support to the local governments of the West and lend encouragement to the growth and strength of the struggling new states, for upon their success must come much of the glory of the nation in the future.

GOVERNOR WALSH—If agreeable to everybody the discussion of this paper will be withheld until the same time the other papers on conservation are under discussion. If there are no further matters to be brought before the

Conference this morning, we have now two or three more announcements to make before we adjourn.

First of all the secretary requests me to state that there are present at this opening conference 29 Governors and former Governors, the largest number that has ever been present at the opening session of the conference, and that before nightfall he expects between 38 and 40 to be present.

Major-General Wood, United States Army, who is at Plattsburgh at the Instruction Camp, has sent an invitation to all the Governors to visit the Camp there at any time before the 27th. It is as follows:

“Military Instruction Camp, Plattsburgh, N. Y.

August 24, 1915.

GOVERNOR DAVID I. WALSH,  
State House, Boston, Mass.

Please extend to the conference of governors assembled in your capitol an invitation to visit the Military Training Camp here up to Friday, twenty-seventh. On this date maneuver march begins. Plattsburgh Chamber will arrange for all members to visit troops in the field after Friday if they so desire.

Wood,  
*Major-General.*”

Immediately upon adjournment here I want the Governors to have a view of our State House, and I want you to follow Governor Spry and myself and the sergeant-at-arms across the hall to the left, and to go into the old Senate Chamber. This [Conference meeting room] was the old House of Representatives, built in 1798, now used by the Senate; the House having moved into their new Chamber some dozen or more years ago,—in 1895 to be precise.

Across the way is the old Bulfinch Senate Chamber which is considered by many to be one of the most attractive colonial rooms in the country.

We will then go from the Senate Chamber into the new wing and visit the state library very briefly and then go through the House of Representatives lobbies and look in at the Chamber of the House of Representatives, and then back to the recreation and reclining rooms which are to be

the Governors' headquarters, opposite the new Executive Department on the right hand side of the building.

Then, gentlemen, I suggest for the peace of mind of us all that we go together to the front steps and allow the army of newspaper men and photographers and moving picture men who have bombarded the State House from all parts of the country to take their pictures of us, and then take carriages to the Touraine. Are there other matters to come before this session? If not we will adjourn until 2 o'clock this afternoon.

[Noon recess.]

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## AFTERNOON SESSION

The conference was resumed at 2:45 P. M., in the Senate Chamber.

GOVERNOR WALSH—Will the governors come to order, please? We are very glad to welcome to the conference this afternoon four governors who were not here this morning, namely, Governor Dunne of Illinois, Governor Hunt of Arizona, Governor Alexander of Idaho, and Ex-Governor Eberhart of Minnesota.

It gives me pleasure now to introduce as presiding officer of this afternoon's conference an ex-governor who has always manifested a very keen interest in the governor's meetings, and I take pleasure in presenting as the presiding officer of this afternoon Ex-Governor Fort of New Jersey.

FORMER GOVERNOR FORT [presiding].—Gentlemen, I appreciate the compliment of being asked to preside, and I shall in return for it not say anything except to conduct the exercises of the afternoon. I think that is the best way to express my appreciation.

The program for the afternoon includes three addresses. All the Governors and former Governors who are on the program for the afternoon are here, and they will be heard in the order printed.

The first is an address by former Governor Mann of Virginia, on "Governors' Initiative." I found this morning, sitting below as you now are, that it was difficult to hear Governor Ammons of Colorado speaking from the center of the room. If he turned at all to the right we could not hear what he said on the left, even speaking as clearly as he did, so I have suggested to Governor Mann that he come to the platform. We all remember the delightful time he gave us at Richmond, and we all remember the delectable breakfast which those of us who were there had the privilege of partaking. And he has always entertained us intellectually as well as in other ways. I present former Governor Mann of Virginia who will speak to you upon "Governors' Initiative."

### "GOVERNORS' INITIATIVE"

FORMER GOVERNOR WILLIAM H. MANN, OF VIRGINIA.

I want to thank the Chairman for the very pleasant way in which he has introduced me, and to say that it reminds of an incident several years ago, when somebody said that Senator Ransome was the most brilliant man in Congress. He was asked right away, "Can you prove it?" And he said, "I don't have to prove it, the Senator admits it." And so, in the general vicissitudes of life, when anybody says anything complimentary about me, I don't ask them to prove it. I admit it. But we do recollect with great pleasure the conference held in Richmond two years ago and we have not stopped talking about it down there yet; and I am sure that Governor Stuart, now Governor of Virginia, would be glad to welcome the Governors back there, and we should all second it heartily.

In June, 1619, the first legislative assembly on this continent met at James Town then, and for many years afterwards called James City, in the colony of Virginia. At the time of this assembly the colony had not been divided into counties and the delegates were elected from the boroughs

of James Town, Henrico and Bermuda Hundreds to the assembly called the House of Burgesses. And ever since, first the colony, and after 1776, the state, has steadily adhered to the principles of representative government.

What Virginia has been able to achieve as a sovereign state and as a member of the Federal Union, the part taken by her in the Revolutionary War—and I might say, alongside of and touching elbows with the people of this great Commonwealth—and in the making of the Constitution of the United States, the high ideals and standards she has always, and now cherishes, and the fact that she stands amongst her sister states as a strong, clean, law abiding Commonwealth, willing to do her duty under all circumstances and without regard to the sacrifice required, demonstrates that this form of government is suited to the genius and is able to meet the needs of a free people.

The single essential for the success of representative government is the election by the people of good, strong, honest, patriotic men to its legislative bodies, and indeed, to every office within the scope of their elective power.

It must be understood in the beginning that this paper is no departure from the principles for which the oldest state in the Union has so long stood, but that it is intended to show a way by which representative government can exercise its powers and secure more efficient results. The foundation principle upon which the government of the United States stands, and of the several states, is that all power is in the people, and this principle cannot be affected by the agencies or officers through which the power is exercised—whether many or few—but it is essential that the officers should be true representatives of the people and that they should keep in view not so much the constantly changing sentiment as the real substantial interests of the people they represent. Indeed, many of the greatest acts of constructive legislation have had their initiative not so much in the demand of the people as in the far-seeing mind of some clean, strong man who was willing to brave the opposition, almost sure to meet great reform measures, and

rest for his vindication upon the benefits secured for the people.

It is not necessary for the logical discussion of the subject under consideration that the initiative by the people be either approved or rejected, but it may be well to consider some of the arguments in favor of and some of the objections to this form of initiative. In many of the colonies in the early days of their history, government by the people direct was practical. There were not a great many people who could exercise the right of franchise and they could conveniently discharge their duties without the need of representatives, and it is argued that the initiative by the people is only a return to first principles by different methods. There is no denial by anyone of the power of the people and the real objection is to the method by which the power is to be exercised. Those of us familiar with the preparation and introduction of bills into legislative bodies, the amendments offered to them in committee and finally in the Senate and House, the scrutiny and hammering they receive in order to broaden and make the bill, originally intended to reform a certain abuse or promote a particular interest, conform to the needs of the whole state and protect and advance every interest within its scope, may well doubt the wisdom of presenting to the people for their adoption a bill prepared by a few people or even a community, however honest the framers may be, which is not subjected to legislative methods. To doubt the wisdom of the methods is not to doubt the wisdom or honesty of the people, but when bills so prepared are to be enacted into laws we ought to be sure that the voters will carefully consider and weigh their purpose and effect, and even when this is done there is danger of unwise and hurtful legislation. Again it is argued that the same, indeed better results could be secured by electing honest representatives, the simplest duty of the people, and instructing them as to the needs and desires of their constituents. Bills presented to the legislature would then have to go through committees, be discussed in open session, and pass through the perfecting process of legislative procedure. But the advocates of the people's

initiative might properly say that bills subjected to this procedure are far from perfect, as the decisions of our court and experience clearly demonstrate. And so the candid mind must reach the conclusion after full consideration that legislative enactments are less liable to be wrong than those passed by the initiative. This naturally brings us to the consideration of legislative methods, and why the plan of the Governors' initiative proposed in this paper would result in good to the people.

Without going into the events and discussion preceding the election of representatives, it may safely be assumed that issues involving the interests of the various legislative districts have been raised and the men holding views in accordance with the majority of the voters elected. It may be further assumed, and in Virginia affirmed, that the representatives so elected honestly desire to promote the interest of their constituents, but few if any have taken the broad view that the interest and welfare of the state is greater and more important than that of any legislative district. Many of the legislators are men of ability, all of them it may be said are men of character, and naturally and properly many of them are looking to the future for the realization of the ambitions and aspirations which act as impellant forces in human lives. The motives are proper if based upon the honest purpose to deserve success by the introduction and passage of wise, constructive, beneficent legislation. With these motives, let us say, the representatives of the people meet in legislative assembly; the governor of the state is informed that the legislature is ready to receive any communication he may think proper to make. The governor, who is, like the legislators, the representative of the people, has made himself familiar with the interests and needs of every section of the state, and in his message has made many valuable recommendations which he naturally expects will meet the approval of the representatives and be enacted into laws; perhaps, he goes further than mere recommendations and prepares bills to advance what he considers the best interest of all the people. It must be remembered that he is the representative of all the people

and on that account takes a broader and more comprehensive view than members representing legislative districts. It is fair to assume that as he has been elected by the dominant party in the state that the majority of the representatives are of his way of thinking, and pledged to carry out the policies for which he stands and to recognize him as the leader of the party in control. This recognition was certainly accorded in New Jersey to our wise and beloved President, and a like recognition has been given in the larger field of National legislation with results of which the whole country is proud, and which are in support of the plan advanced by this paper. Again, while in theory there are in state and nation three departments of government, legislative, executive, and judicial, each independent of the others, in fact the governor has, in most states, the power of veto which gives him a negative vote of not less than fifty-one, and in some states of sixty-six, per cent of the legislature. To this power to defeat legislation, it is respectfully contended, should be added the power to initiate legislation and thus give to the people the benefit of his knowledge of the needs of all the institutions, and agencies of the state. It may be properly asked just here why, in view of the conditions heretofore stated, is it necessary that the governor should have the initiative; he already has the power to recommend, which includes the power to prepare bills and have them submitted to the legislature, and if his recommendations and bills are wise and good why are they not passed by the legislature and thus make unnecessary the more troublesome and expensive method of submitting them to the people?

In the minds of those familiar with legislatures and their proceedings the answer has already been formed, but it may not be improper to express it here. Members come to the legislature with their pockets full of bills and their heads full of ideas for the good of the state. Those who come for the first time and have had no experience with committees think that a good bill, to which there is no special objection, offered in open session and referred to the proper committee, will pass without further attention.



They soon find that constant vigilance and attention is necessary to the passage of any bill, and they also find that correspondence with constituents, attending to matters at the Capitol, using their influence to secure positions for personal and political friends, the demands of committees, when added to the work to be done in the open sessions of the body to which they belong leave them little time to attend to any bill in which their constituents are not especially interested. This is especially true of the men, who by their character, intelligence and experience are recognized as leaders, and to whom the Governor would naturally entrust his bills. They are chairmen of committees, they are advocates of certain policies and measures, they are the advisers of the inexperienced, the bulwarks against hasty and unwise legislation, and their influence and help are sought for positions and in support of measures. They feel honored by the Governor's confidence, and undertake to have his measures enacted into law, but their time is fully occupied and the result is that the Governor's bills are offered, referred, sometimes passed, but as they are usually important and require time for consideration, are oftener postponed from time to time, and so do not reach the calendar until late in the session and in consequence are lost not because of lack of merit but in the hurry and confusion and lack of time incident to the last days of a session.

But why does not the governor follow his bills and see to it that they receive the attention and consideration they deserve? He does as far as possible, but during a session of the legislature he is the busiest man at the capitol. He must read every bill that passes and in many cases ask explanations from patrons, he must have general supervision of legislation and use his influence properly and tactfully to prevent the passage of positively hurtful measures, and when proper, promote those manifestly for the general good. He must consider and dispose of applications for positions and pardons, must keep in touch with all of the departments of the state, especially their financial needs, must keep advised of the work of the finance

committees of the two houses and of the resources of the state, for in no other way can he intelligently use his power of veto. Besides the demands on his time he cannot be expected to go before the committee considering his bills, and as some of them are the result of weeks, perhaps months of investigation, he cannot so inform the patrons, in the time allowed, as to enable them to explain what would be easy for the Governor to do. And, so, many good recommendations, represented by carefully prepared bills, fail not so much because of opposition as because of the conditions stated. And then some very important bills are in the nature of reforms which seek to overturn or change long established practices, dear to the conservative mind. For such bills time is required to enable the object sought to be accomplished to become familiar to the people and their representatives, and for want of this time they fail. It would seem that the remedy for these troubles should be found in extending legislative sessions, but we are dealing with conditions, not theories, and, as it is almost universal experience that without regard to the length of sessions the most important work is postponed to and done within the last thirty days, extension is not the remedy. Indeed, it may be safely affirmed that there is no complete remedy for the ills described, but conditions would be greatly improved by giving to the governor, as the representative of all the people and familiar with their needs and the resources of the state, the right, in his discretion, to submit to the people at the next general election any measure recommended in his message and evidenced by bill submitted to, but not passed by, the legislature. Of course, the Governor would know the objections urged to the bills to be submitted and the reasons why they were not passed, and as the submission would be in his discretion it is reasonable to suppose that he would not order the submission of any bill not clearly promotive of the public good.

This discretionary power would greatly increase the labor and responsibility of the Governor and if the bills offered by him should be generally adopted by the people, his influence and power for good would be correspondingly

increased. The legislature would hardly fail to pass a bill offered by an executive officer so approved, and the necessity for submission would thus greatly diminish. Just here it might be well to say that the giving of this power of initiative, subject to the approval of the people, would not only be a step in the right direction, but would naturally lead to the giving of additional dignity and power to a great executive officer, whom the people need not fear because they entirely control, and permit him to use all the powers of his intellect and all the information he has acquired in private and official life for the well being of his state.

As a rule, the powers of the governors of the several states are of the same general and intangible nature, having their origin perhaps in the revolt of the people in colonial days against kingly government, and adhered to long after the passage of the danger sought to be guarded against. These are days in which the people are not afraid to trust themselves or the officers they create and control. What they want are wise laws faithfully, intelligently and honestly administered by honest, patriotic officers. And they are more concerned about these essentials of good governments than they are with the methods by which the laws are passed or the officers selected. Indeed the present tendency is to have few elective officers, with power to those so elected to appoint the necessary subordinates. This subject is now being discussed in the Constitutional Convention of New York, and many of our larger cities, in order to promote economy and efficient administration, are concentrating power and responsibility. In cities where this method has been intelligently and honestly tried such results have been achieved as to encourage other cities, whose debts have nearly reached the limit of financial responsibility because of a loose, many-headed government, carelessly administered, to follow their example.

The governor of a state should not only have imposed upon him the duty of seeing the laws executed, but he should have the power to enforce obedience to the laws in cases where such enforcement is denied by local officers. He should have not only the duty of supervising the several depart-

ments of the state, but the power of co-ordinating and compelling them to work together along the line of intelligent policy for the general good. The president and vice-president are the only officers of the National Government elected by the people, but the President is clothed with power and held to a high responsibility. That this method of government is a success, not to mention the ability and success with which his predecessors have acted, we point with confidence to our present splendid Chief Executive, his conservative but influential exercise, for the general good, of his great power, of the confidence born of righteousness which enables him to walk the straight and narrow path with the honor of the country on the one side and its peace and happiness on the other. And yet no man has seen him falter or even hesitate, nor has any of us realized the suffering of this splendid man whose simple purpose and determination has been and is to do right.

After such an example shall the people of this great country or any of our states hesitate to clothe with power, and exact responsibility of our president and state executives?

It is very apparent that the tendency of this conference is to create a better understanding and closer union between the states, based not only on official intercourse, but the stronger ties of personal respect and friendship. Virginia and Kansas are not so far apart since their governors are friends and understand the hopes, aspirations and sympathies of each other. The sovereignty of the states has in no wise been lessened but the compactness and solidity of the general government has been increased by the yearly handshakes of the states' executives. Wisconsin is not so far from my state as it used to be since I have been able to write a friendly governor for copies of its laws. And so all along the line the influence to uniformity of laws is slowly but surely at work. The interests of the several states are too varied and different for the passage of the same laws for each, but they are not too varied for similar laws. The negotiable instrument act has demonstrated what can be done, and it should be followed by laws to be passed in all the states, regulating marriage and divorce, the creation,

powers and burdens to be borne by corporations, the execution of wills, and contracts, and as far as possible, their statutory construction, laws regulating pure food, the registrations connected with the health of the people and many others which need not be mentioned.

To the extent that the governors of the several states are clothed with the power to initiate legislation, subject always to the will of the people or their representatives, to that extent will gradual uniformity of laws about matters of common interest to all the states be promoted by this conference. And gradually out of the common knowledge and experience acquired at these delightful meetings a policy will unfold itself combining the hopes, aspirations and ambitions of the American people, along lines of common interest. A policy which would in no wise weaken the power of the states but on the contrary so smooth out and remove the conflict of statutes and so soften the jealousies growing out of the exercise of rights in conflict with each other that harmony will take the place of differences and brotherly love make stronger the indissoluble union of the sovereign states of this great republic bound together by common interests and for common protection and promote amongst the states a generous rivalry, impelling each state to make the largest contribution to the highest good of our common country.

FORMER GOVERNOR FORT—We will leave the matter of the discussion of this paper until the end. The papers of the afternoon are practically all along the same line, because the questions of the budget and the short ballot have much to do with the functions and the powers of the executive.

The next address is by Governor Robert L. Williams of Oklahoma, on "The Functions of the Executive Department Relative to the Budget."

Governor Williams will please come forward.—[Applause.] We have heard from the governor of a state which came in at the beginning of our Republic—Virginia— and we will now hear from Oklahoma, next to the youngest state in the Union.

## "THE FUNCTIONS OF THE EXECUTIVE DEPARTMENT RELATIVE TO THE BUDGET"

GOVERNOR ROBERT L. WILLIAMS, OF OKLAHOMA.

Ladies and Gentlemen:

I will discuss briefly the functions of the executive department as they relate to the budget.

Conditions emphasizing the necessity for the solution of a new question, as a rule, have been long in process of formation.

The rights of the individual as contended for in the Declaration of Independence are now axiomatic. In the exercise of these rights, the agencies of government have been extended. Such administration has to do now with every phase of life and activity. This necessitates considerable expense—even with a government administered in efficiency and without duplication of expense. The tax bearers feel the burden—the necessity for devising a scientific plan for financing governmental agencies is therefore obvious. This has been attempted in various ways in practically every state; but where the Executive Department has participated, it has been in an advisory capacity.

A study of the growth of American constitutions discloses various methods by way of limitations placed on the legislature to hold the state's expenditures within proper bounds and channels, but these have proved ineffective. The annual budgets as adopted by the legislature have, in a large measure, increased by leaps and bounds. Since the subject relating to the budget was assigned to me, the Constitutional Convention of New York State now in session has, in a measure, adopted the plan intended to be suggested here. I feel therefore doubly assured of the merit of the plan since it has the approval of a body containing so many of our great and distinguished men.

If you will pardon me, I will read the proposed plan as it has been adopted in the last fifteen days by that Convention. The plan is, in substance, as follows, and, of course it will

vary in accordance with the variation in the constitution of the different states as to officers:

"On or before the 15th day of November in the year 1916, and in each year thereafter, the head of each department of the state government, except the legislature and the judiciary, shall submit to the governor itemized estimates of the appropriations to meet the financial needs of such departments, classified according to relative importance and in such form and with such explanation as the governor may require. The governor, after public hearing thereon, at which he may require the attendance of heads of departments and their subordinates, shall revise such estimates according to his judgment.

"Itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house, and of the judiciary, certified by the controller, shall be transmitted to the governor before the 15th day of January next succeeding for inclusion in the budget, without revision, but with such recommendation as he may think proper.

"On or before the first day of February next succeeding, he shall submit to the legislature a budget containing a complete plan of proposed expenditures and estimated revenues.

"It shall contain all the estimates so revised or certified and shall be accompanied by a bill or bills for all proposed appropriations and re-appropriations, clearly itemized. It shall show the estimated revenues for the ensuing fiscal year and the estimated surplus of revenues at the end of the current fiscal year, together with the measures of taxation, if any, which the governor may propose for the increase of the revenues. It shall be accompanied by a statement of the current assets, liabilities, reserves and surplus or deficit of the state; statements of the debts and funds of the state; an estimate of its financial condition as to the beginning and end of the ensuing fiscal year; and a statement of revenues and expenditures for the two fiscal years next preceding said years in form suitable for comparison. The governor may, before final action by the legislature thereon, amend or supplement the budget.

"A copy of the budget and of any amendments or additions thereto shall be forthwith transmitted by the governor to the controller.

"The governor, the heads of such departments, and the controller shall have the right, and it shall be their duty, when requested by either house of the legislature, to appear and be heard in respect to the budget during the consideration thereof, and to answer inquiries relevant thereto. The procedure for such appearance and inquiries shall be provided by law.

"The legislature may not alter an appropriation bill submitted by the Governor except to strike out or reduce items therein, but this provision shall not apply to items for the legislature or judiciary. Such a bill, when passed by both houses, shall be a law immediately, without further action by the Governor, except that appropriations for the legislature and judiciary shall be subject to his approval.

"Neither house shall consider further appropriations until the appropriation bills proposed by the Governor shall have been finally acted on by both houses; nor shall such further appropriation be then made except by separate bills, each for a single work or object, which bills shall be subject to the Governor's approval. Nothing herein contained shall be construed to prevent the Governor from recommending that one or more of his proposed bills be passed in advance of the other to supply the immediate needs of Government."

The New York Convention not only adopted this budget plan, but also a plan for handling the sinking fund and a provision for serial bonds in lieu of long time securities. Also a provision was adopted requiring a two-thirds vote of each house for certain appropriations, not covered by general appropriations contained in the executive budget. I suggest as an additional improvement, a provision for a fixed tax to be automatically appropriated for the state educational institutions. That is more necessary in the western states than in the eastern states where you have amply endowed institutions. In my state where the state institutions to such a marked degree influence the legislature, a tax, fixed



by constitutional grant and limitation, the revenue raised by that tax to be automatically appropriated is essential not only in the interest of the educational institutions, but also of good government. I believe that such a provision now exists in two or three states of the Union.

The apprehension that such a budget system would deprive the legislature of its proper power and dignity is without foundation. The legislature would be protected from disturbing influences while considering the annual appropriations. The fact is the making of appropriations sometimes becomes such an avenue in connection with various agencies before legislators as to make the granting of appropriations a menace to government. It is necessary that some scientific plan, comparable to that of large business enterprises, for financing the state in the administering of its affairs, be brought about.

The legislature would be protected from disturbing influences while considering the annual appropriations and retain the power of initiation thereafter, to the limit of the available revenue. But, more than all, it would be restored to effective control over appropriations.

Under present conditions, legislation relative to appropriations has been in danger of degenerating into a scramble for local favors and privilege. Such a budget system makes it practical for the legislature to consider from a state-wide viewpoint the real financial interests of the state.

The legislature has been gradually surrendering its most vital power in legislation relative to appropriations to the executive veto. The proposed system restores that power and makes it final. There is no reasonable foundation to the contention that the proposed system would give undue power to the Executive Department. It would not add anything to the power it now possesses through the veto of items in the appropriation bills. That power is not now reviewable, for general appropriation bills, as a rule, reach him too late for his approval or disapproval, prior to adjournment. The veto power may then be used as an instrument of reward or punishment after the legislative session is closed. This system would deprive the Governor of his veto as to budget

items and would thus compel him to exercise his influence under the test of open legislative consideration. The legislature, under the proposed system, would have the final say and the tax-payer would have a business restraint on his annual contribution for the maintenance of the state.

Appropriations, other than those contained in the budget for the maintenance of the executive department and its agencies, such as the appropriations for the judiciary and the legislature would still remain under the restraint of the Governor's veto, and appropriations other than those hereinbefore enumerated would require a two-thirds majority of each branch of the legislature. (Ark. Const. 1874, art. 5, sec. 31.) When that is done restraint has been wisely placed upon the exercise of the taxing power, and ample assurance given that the man who has labored and accumulated property will not in the end have the sole reward of holding it as a naked legal trustee for the income to be used solely for the public welfare.

The state is nothing but one great business enterprise to be administered according to business sense and business judgment under the promptings of an honest and humane heart. There are very few issues in the administration of state government that belong to the historical ideals of political government of the past. In those days our fathers contended over the ideas of personal liberty, over state sovereignty, over the issues which have made this Republic great and glorious; but now while we are striving to keep up the traditions of the older and great Commonwealths, and develop our resources and be conservators of human life, we must at the same time have an honest and efficient business administration that will protect one's accumulations, and say to the political spoilsman that you shall not plunder the pockets of the tax-payers of the Commonwealth under the guise of patriotism.

Whilst doing this we must put a limitation upon the Governor. One of the great sins is political ambition. We are told emphatically that by ambition the angels fell, and ambition is frequently a menace to good government. When this great power is given to the executive, when he is clothed

with these great functions that we may have good government, let him be surrounded as was the chieftain of the ancient Britons—the mountains on one side, the sea on another, and the Romans on the other—nothing left except to dare and die for home and right.

The Governor should be free from being tempted by ambition. And in every constitution there should be written a limitation that during the term of office of a Governor and especially when he is elected for a long number of years like we are in the West—in my state it is four years—during that term he should not be eligible to a party nomination for the United States Senate or for membership in the Congress, and he should not be eligible for election to a state office; and that ineligibility should exist for six months after his term has closed. When you clothe him with this great power, remove temptation from him so that there is nothing on earth before him except a consideration for public good, and a responsibility that he must exercise that power for the public good. All temptations for him to use his power for political advantage would thus be placed within proper restraint. The consummation of this plan would be the realization of a government which commands the commendation of every patriotic citizen.

FORMER GOVERNOR FORT—We have another address this afternoon, touching largely on the same questions as those we have heard presented.

The address is to be made by Governor Moses Alexander of Idaho, on "The Short Ballot." I have the very great pleasure of presenting to this conference Governor Alexander of Idaho who will speak on "The Short Ballot."

### **"THE SHORT BALLOT"**

GOVERNOR MOSES ALEXANDER OF IDAHO.

Mr. Chairman and fellow Governors: Let me ask your kind indulgence. The Governor of the state of Idaho has never been privileged before to attend the Governors' Conference,

but I can assure you of one thing that the Governor of Idaho will always be represented at the Governors' Conference from now on.

The idea that has grown in this country from the inception of our government, that each state is sovereign—a political unit such as existed at the time of the Federation of the Colonies and the adoption of the Constitution of the United States—is to a certain extent correct, but through the activities of the Federal Government in the last and present centuries and through its establishing closer relations with the individual, more than ever before, a different point of view is being presented to the people of the various states.

The spirit of nationalism and the intense desire of all the people to be recognized as a nation has become more firmly fixed in the minds of the people. To foster that spirit the national government is making appropriations for the maintenance of schools and colleges, for the protection and promotion of the live stock industry, to co-operate with the state governments and even with individuals on all matters that pertain to life, health and the liberties of the people. With these activities in full play and with a continuation and enlargement of these powers by the Federal Government the state governments are becoming, more and more, huge business corporations organized for the purpose of dispensing liberty, preserving order, exercising police powers, and to collect and expend certain amounts of revenue; to administer upon the estates of deceased persons and to deal out justice in the courts as will make it possible to administer and perform these various functions. It is, therefore, more than ever necessary for us to look upon the state governments in the new light.

Great business corporations are managed by boards of directors. The more compact the body the better the results. The most successful corporations are those having a reasonable number of directors who are alive to their duties and who assume a certain amount of responsibility and exercise it for the general weal.

There must be absolute responsibility fixed somewhere. While it may sound good to the elector to have a long ballot and to vote for a candidate for every office, the result is that the responsibility is shifted from the practical heads of institutions and government to the minor and subordinate officials which are merely cogs in the wheel of government and not the directing power.

The fundamental principle that there are three co-ordinate branches of government—the executive, the legislative and the judiciary—should never be disturbed. The people, at all times, ought to be permitted to elect the legislators in the state government, as they are in their national government, to make the laws which will give them the power to discriminate between and to adopt policies of a general nature. The laws so passed must be and should be, in most cases, approved by the executive in order to place these departments of government in unison. The judiciary must ever be kept inviolate and absolutely free from any ulterior influences.

If the executive department is to be what it was truly intended to be—to have direction of the execution of the laws—then it must be surrounded with the machinery capable of being handled and must have a full knowledge of what that machinery is.

It is, therefore, essential that the executive department of the state government should be clothed with more power and more responsibility and held directly amenable to the people. Whatever power is so vested in the executive department a check could be had upon the executive through what is commonly known as the recall, so that where a bad government is selected by the electors it can be corrected by them.

By the short ballot where the attention of the voter is centered particularly upon the executive in the states as it is now upon the president of the United States, where he is allowed to appoint men in harmony with him and to put into full force and execution a system of government to administer the affairs of a huge community, there is then provided a definite responsibility. That responsibility and power can be exercised for good or for bad; if it is for good a

lasting benefit will accrue, if it is for bad, it can be abolished. This will permit business methods to be employed and will create harmony and co-operation which are essential for success in any enterprise.

The tendency of preceding years has been towards boards and commissions. These are simply buffers between the executive and the people. In many states the membership of these boards and commissions is not even removable, except for cause, and that cause has to be determined, in many cases, by evidence submitted for the courts to pass upon, and thus is created a source of conflict of authority and friction between the executive and judiciary.

Boards and commissions are often so constituted that they thwart the will of the executive and of the people. They are frequently created for the purpose of aiding some particular interest and not to serve the general welfare. They give some special organization an opportunity to participate in the administration of public affairs. For instance, in my state, we have a Board of Horticultural Inspection, to which the Governor has a right to appoint members every year. The law provides that he may select them from a list submitted to him by the Horticultural Society of the state. This society is a voluntary organization. At the last appointive period for additional members the names submitted by the society were not satisfactory to the Governor and he was compelled to go to the Supreme Court of the state for a writ of mandate directed to the Secretary of State in order to secure the exercise of his prerogatives and to select proper men. This he was permitted to do by a divided court and he was accused in the dissenting opinion of being an intense partisan. The same thing exists in the law providing for the appointment of members of the State Examining Board for Nurses. The Nurses' Association is permitted to furnish the name for the Governor to appoint. There was one member to be appointed and a list of two names was submitted to the Governor, neither of whom was agreeable and no appointment was made.

There are many other cases equally as flagrant as these, all of which make it impossible for the executive properly

to perform the functions and to discharge the duties as chief business head of a great corporation.

With the short ballot and with the people made fully cognizant that they are voting for a business manager as well as for an executive head, even if it were necessary to vote for two or three other executive department officers a workable government would result, but executive power must be centered somewhere to bring efficiency and economy. The short ballot will bring these about. We will then, in fact, have three distinct departments—the executive, the legislative and the judiciary.

By the proper exercise of the powers given the executive, where he may veto separate items in an appropriation bill or reduce items in such bills, and thoroughly perform the functions as a chief executive or as chief head of a large business corporation, the Governor will be clothed with the power that it was intended the executive department should have. He will have power to act, power to do the necessary thing when the opportunity or the necessity calls for it.

In the last 15 or 20 years, in all of the states, the executives have surrendered too much of their prerogatives to boards and commissions. While these are necessary in some instances, yet it weakens the powers and detracts from the usefulness of the executive. If this tendency is permitted to drift much farther the powers and the prerogatives of the executive will be curbed to such an extent that he will be but a figure head.

Then instead of the executive there will be heads of boards and commissions that will act independently of each other, exercising their powers not for the public good but for the purpose of obstruction.

With the short ballot where power is vested in one executive head the very best government will be provided. It is true that where such a government is bad it may be very bad, but with the patriotism of our people, with the advancement they have made in education and with the years of wisdom and experience they have gained the chances are that the executive departments of our various state governments would grow better and more efficient from year to

year. The voter would have a more intelligent conception of the duty to be discharged at the ballot box.

The American voters believe in the principles of the short ballot and in nearly every election they put these principles into practice, but they have been so well educated to think them dangerous that they have not demanded that they be enacted into law.

By a system of popular catch phrases adopted with the constitution itself we have come to fear that it is sometimes undemocratic to be democratic and that it is frequently democratic to be undemocratic. In our eagerness to have a voice in the affairs of government we have become unable to determine when or where to raise that voice with the consequent result that we have adopted a system whose tendency is to cause us to raise it only in mighty chorus where it becomes lost in blending with other voices where it becomes impossible to determine upon which side of a multiplicity of questions submitted at the same time our own voice has been cast. In our desire to insure that our influence should be felt, we have made sure that our influence has been lost.

In our eagerness to have a voice in the selection of those who may govern us, we have demanded that voice in the selection of so great a number that we are unable to exercise it intelligently in the selection of any, and a choice made unintelligently is no choice at all. Anxious to do our civic duty we have become lost in the mazes of officialdom until we know not what our duties are. We know neither upon whom to bestow praise for work well done nor upon whom to place blame for neglect because the numbers are too great to enable us to make investigation with our limited opportunities and the still more limited time that we can take from the immediate demands of our domestic and business lives to devote to the demands of government.

We are looking to the initiative and the referendum for more power and more responsibility, without stopping to consider that we are attempting to exercise more power and to assume greater responsibilities than lie within our ability to undertake and without knowing that we waste the power



we have through our inability to know where, when, how or upon whom to employ it.

In a pure democracy we should all of us, of course, undertake to exercise an equal voice in the selection of all executive representatives and in determining all political policies. A pure democracy cannot be successful among a hundred million people who would be expected to assemble in mass meeting to discuss public questions, enact laws and elect those to execute them, for even if they could be so assembled such a method of transaction of business would fail for the most obvious of reasons.

The purpose of pure democracy is to give each citizen an opportunity to express his voice upon public questions of interest to him and his fellow citizens. In a unit sufficiently small possessing not too large a population, this can be accomplished in the public meeting. May we not have a pure democracy without the public assemblage of the people?

Your old New England town meeting filled the simple requirements of that day. It cannot be recalled because it cannot fill today's requirements. Because of the extent of the country to be governed and because of the population we are forced to approval of representative government. No other system has been offered which could be made to suit our demands. May not a representative government be made as truly a government of the masses as was that evolved at the old town meetings?

That our present representative government is not completely democratic needs no discussion. Because all the people do not understand and participate in all the details of the complex machinery of government does not prove that the people do not, cannot, or should not have full supervision of their government any more than the fact that the governing director of a modern commercial institution does not understand or participate in all the details of the business he directs, demonstrates that he cannot, does not, or should not have full supervision over such business.

A modern business institution is a true democracy, controlled and conducted by those who own its stock yet who know little about the details of the business they conduct.

The American people are said to elevate the dollar above all else, including even their patriotism, yet they are content not to meddle in the details of the business in which their dollars are invested and which returns them other dollars. They never suspect that in selecting a competent manager to conduct their business they are waiving any of their rights.

Yet if it be suggested that they ought not to participate in the election of a county coroner, a state inspector of mines, a superintendent of public instruction, or some other score or more of the many officials submitted to them for selection each year in some states, the cry is immediately raised that an effort is being made to deprive them of some valued political right belonging to a democratic people!

Perhaps one in a thousand may vote with full knowledge of what he is doing and with proper information before him whereby he may judge of the fitness of a candidate for state treasurer, but the other nine hundred and ninety-nine vote blindly, or at best accept the recommendation of the one. Are these nine hundred and ninety-nine out of the thousand deprived of any valued right, if they voluntarily determine that they will not be bothered to make a choice where they are neither interested nor have adequate opportunities for making such choice?

Is it more democratic to make the pretense of giving the nine hundred and ninety-nine an opportunity of making a choice which in the very nature of things they cannot make, than it would be to recognize the facts and the conditions as they are and make provision for the appointment of this subordinate by some competent and responsible superior?

As was said before, the people have answered the question for themselves and they have furnished a solution of the problem of the election of our numerous officials. In every election the people select some one, two, or three candidates upon whom the attention of all is centered. These candidates are discussed, they are heard, they are seen, their qualifications are considered, their views are ascertained, there is debate upon them and about them and the things they stand for, and generally great interest is manifested. The result is an election, so far as such candidates

are concerned, which is truly democratic, being truly representative of the intelligent choice of the voters.

No office ought to be filled by popular vote which is not important enough to warrant and to receive the attention of all the voters for that particular position. Any office filled by election which does not approximately fulfill this requirement is further removed from a real expression of the popular will than if filled by appointment of a responsible official whose position is such as to command public attention and who may be held accountable direct to the electorate.

In every state in the Union the voters all regard the governor as the head of the state government and few governors in any of the states are elected without general interest in the candidates for the position being awakened. How many candidates for state auditor, for secretary of state, for attorney general and for many other of the state elective positions in most of our states have ever succeeded in arousing the public interest that the candidates for governor arouse, or how many, in fact, succeed in arousing enough interest to become important figures for the consideration of the voters?

I have not made investigation to ascertain at which election booths the longest ballots are presented, nor which are blessed with the shortest. It is safe to assume, however, that the shortest is still too long. In my own state, at the last general election, the voters of the most densely populated county in the state, had to choose public officials out of fifty-six candidates for state offices and eighty-five candidates for county offices, to say nothing of the local and precinct candidates. And in Idaho we have a comparatively short ballot. Think of the utter impossibility for even the most intelligent and most favored citizen to gain sufficient knowledge of more than one hundred and forty candidates for a multiplicity of positions in a state where some of the candidates for some of the minor positions resided at a distance removed from each other greater, by the usual routes of travel, than from Chicago to Albany, and then tell me that the only democratic method of selecting such officials is by ballot!

Under such circumstances there can be no popular choice, but merely a registration of political party affiliation. And in Idaho, we have adopted the direct primary method of nomination so that there is danger that nominations may be made with even less intelligent selection than is possible in an election.

In the case of those offices which arouse and hold public interest, there is less danger of uninformed selection being made. Because of the interest in their candidacies, candidates make an effort to meet the people, and the people make a greater effort to inform themselves relative to them.

What offices should be filled by election and what by appointment? The people in nearly every election in nearly every state and county furnish the answer. Those positions in which the voters interest themselves are always clearly indicated, and they are nearly always the same offices at every election which arouse public interest. These are the ones the people should be asked to fill. All others merely invite carelessness, ignorance, incompetency, neglect of duty, or dishonesty on the part of officials and become the basis for political corruption on the part of the politicians and for general disgust, and a dangerous lack of interest upon the part of the people.

The voters collectively are not wiser, nor are they more capable of investigation into matters such as the merits of candidates for office than are the separate individuals, and not even the wisest among us possessed of the greatest opportunities that may be afforded for research and inquiry, can afford to take the time from his business and family to make adequate inquiry relative to all the candidates submitted to his judgment under our long ballot system upon election day to enable him to select the best material possible to fill the offices. Such a duty is of sufficient importance to demand that the public should pay for it. Candidates elected without the exercise of judgment and intelligence on the part of those who elect them, are not representative of those who may have voted ignorantly but whose votes may have set aside the judgment and intelligent selections of those who succeeded in qualifying themselves to exercise

judgment and intelligence. Such an election is not democratic. On the contrary it is most undemocratic.

The placing of a larger appointive authority in the hands of a responsible official who can be made easily answerable to the people increases rather than decreases the power of the electorate to express its will. How often has it happened that the people have made an apparently successful fight upon some issue through the election of an official whose office was such as to command their attention and whose duties and powers were supposed by them to be such as to enable him to accomplish for them the thing they desired accomplished, only to find themselves blocked by some other official elected by themselves at the very same time, but whose position was believed to be so insignificant as not to merit their attention and, therefore, did not receive it.

A Governor, for instance, may be elected by the people as their means for accomplishing a certain result, only to find that his hands have been tied by the same people through the election at the same time of an attorney general hostile to the thing that the people desired. What justification can be offered for forcing any man, in any capacity of responsibility, to accept as his legal advisor a man not in sympathy with him or his purposes?

The people would not purposely nullify their own desires in any such manner and they do so only because the office of legal advisor to the state officials is not one which arouses their interest, with the result that there is seldom an intelligent and fully informed vote cast in any state for such an office.

If this appointive right should place more power in the hands of a governor, not only to do right and to accomplish good, but also to do wrong and to accomplish harm, it would increase the interest of the electorate in his office and would result in closer scrutiny of the candidates, a more intelligent vote would be cast and the election of better men would result.

It is strangely true that the opponents of the short ballot who most loudly proclaim their opposition on the score that it removes from the people their right to select

their own political representatives, are nearly always the ones who favor the so-called board government, whereby it is sought to place executive duties in the hands of boards or commissions, elected or appointed for long terms and subject to removal only for cause.

I had the pleasure of withholding my approval from a measure which passed the legislature of my state creating a board, or commission for the government of one of the important departments of the state which, if it had become a law, would have enabled me to have dictated the government of that department of the state for fully four years after the expiration of my term of office. This measure, if it had become law, would have prevented the people of my state from gaining control of the department and from accomplishing any reform desired by them, short of two successive general elections. And yet the argument was made that such a law would place this department closer to the people than would result from the free exercise of the executive power.

I believe in the right of the people to express their will and I believe that that will, having been expressed, should be carried into effect. I, therefore, believe in enlarged powers for those officials whose positions demand and receive public attention and a lessened power for those officials whose positions do not receive due attention from the voters and hence I favor the removal from the ballot of all names whose presence can accomplish nothing but to confuse.

I believe in the right of franchise for both men and women, but I believe the people should be asked to exercise it only upon worthy occasions which demand and receive their best attention, just as I believe in the initiative and referendum but for use only in matters of sufficient interest and importance as to demand and to receive general attention.

#### DISCUSSION

FORMER GOVERNOR FORT—We have heard these three very interesting addresses, and we have quite some little time before we have to go on the trip proposed for the Conference. These papers are now open for discussion.

FORMER GOVERNOR ADAMS [of Colorado]—I was about to ask if these papers were open for discussion. It seems to me, gentlemen, that the suggestions in these splendid papers we have heard are a drift away from democracy rather than toward it. I see the advantages and I see the evils, but according to my theories of democracy these questions of the enlargement of the power of the Executive Department were settled over 100 years ago, when the people of the United States decided they would follow the words and wisdom of Thomas Jefferson rather than those of Alexander Hamilton. These suggestions drift backward toward Hamilton rather than follow the advice and the principles of Thomas Jefferson.

If it were only for ourselves, then I believe that either you or I could select a better set of officials than any group of people by an extended ballot. But some of us have already passed on, all of us must pass on soon. New people, new ideals will be presented, and I have found in the study of history that no man has ever been given power that he did not exercise to the ultimate.

I am a respecter of the courts. There is not a man who will submit quicker than I, when wrong, to the decree of a judge. But as you read the political history of our country, you find there is no power that is not delegated, and if you do not find that the judge grasps at all powers and extensions of power with avidity, it is astonishing. There is no power in State Departments that is not delegated; there is no power in Congress that is not delegated, nor is there power delegated in any department of government that is not accepted and exercised by the person or department upon whom it is conferred for his or its own right.

I know there have been wrongs committed. I can cite cases in my own state where the governor has suffered, because wrong men have been put in the departments against the interests of the people; but it is better that one state shall suffer than that a great principle shall fall. Ours is a democratic government, and it is not democratic for any one authority to appoint the officers. The presumption in a republic is that every voter is an honest man, and that

every official is a patriot; and we must submit to the voter, we must give to him the power. If democracy is a failure, then let us abandon it and try something else, but let us first put the test to the ultimate to find out.

I know this, Mr. Chairman, that in the case of a strike in any state, an autocratic governor can settle that strike when a democratic government cannot. I know that the arbitrary power, with an army at command, can do things that you as governors cannot do, a right thing maybe, but that is one of the risks of democracy.

We have approached ruptures time and again, gentlemen, but the patriotism of the people has risen, and we have gone on again from one triumph to another triumph, and I stand today against the granting of additional power to a president, to a governor, to any official, and I do it upon the broad principles upon which this government and this country was founded, and it applies to you and to me, to every state, to every department.

I know that the gentleman who delivered the last address can select a better set of officials from his own knowledge of men in his state, but it is contrary to our theories and to our ideals. It is not for us to go out as individuals and control the government. That is the power that belongs to a monarchy, to a despot almost. The powers and rights of the people are guaranteed by the Constitution, and when you take from the citizen the right to vote upon every official, you are then defeating the purposes of that Constitution, and I for one would rather stand with all the peril and all the risk, for the broad principles of democracy, which mean that every citizen has the right to select his rulers, the right to have a voice in selecting those who make the laws for him, and that is the guiding and fundamental principle of our country and of our state. If the suggestion the Governor has made in his address should be put into operation, we should have the strange spectacle of forty-eight monarchies practically to make one great republic. I am in favor of forty-eight small republics, and they to stand together upon the principle upon which they were built—the right of



the people to rule—in order to maintain one great, grand republic for this nation.

FORMER GOVERNOR MCGOVERN (of Wisconsin)—This I think is the sixth consecutive meeting of the Governors Conference I have had the pleasure and the honor of attending. At every one of these meetings the subject of efficiency and economy in government has been up for consideration; and with the progress of time it has claimed each year a larger proportionate amount of attention. It is not strange, therefore, that the opening session of this meeting should be marked by three addresses upon the subject.

At the very beginning there was talk of strengthening the powers of the governors. It was said then, as it may appropriately be said now, that if the members of this conference were to meet for deliberation upon the subject of an increase in their own power merely and solely for the purpose of exalting and dignifying the official place they happen to hold for the time being, they would not be entitled to the respect or the support of the public. But if instead they advocate the change as an indispensable means for promoting the public welfare, for solving problems in which the people themselves are deeply concerned, for making the government representative, for the enactment of humane laws, for securing a closer approximation to justice, then the consideration of the question here, by Governors, Governors-elect and former Governors, will meet a sympathetic public response everywhere, because the people will understand that we are not engaged in the business of exalting ourselves or the office we hold, have held or may hold, but in an effort to help them by the serious consideration of important public questions.

Now, is it in the interest of the public welfare that the program outlined in these addresses in a general way should be approved? I believe some one at the opening session this morning harked back to colonial times, and recalled the contrast presented by the power of the state executive then and now. He accounted for the circumstance that the Governor is now hedged about in every way by the fact that at the time our state constitutions were written, there was

still in the recollection of our people a memory of the tyranny of the colonial governors, and of the oppression of the kings of the various governments of Europe from which the colonists had come. With that tyranny, that vision before them, they strove to safeguard the liberty of the citizen. But they thought that to accomplish this result it was necessary to limit the power of the government, not that of the governor, but of the legislature and of the courts as well, and of every other department of the state government.

See how they did this. Here we have the Federal Government with its enumerated powers; the State governments with general powers; and local governments of many sorts, the authority of which should not be invaded by either state or nation.

When we come to examine the State government separately, we find the customary division of it into legislative, executive and judicial departments. We find that the power of the legislature, for example, is vested, not in one house, but in two, besides being shared with the governor. We find that a bill to become law has to be approved by the governor, and that even then it may not stand as the law of the land unless the courts also find it to be constitutional. So that each department is a check upon the others, with the result that no department has very much elbow room, or enough power to accomplish much, either for good or ill.

For one I believe this was deliberately planned. I believe it was intended by those who established present civil institutions here that in the interests of the liberty of the citizen, the powers of government should be curtailed. At that time, when economic conditions were very different from what they are today, when commercial relations were more primitive than they are now, there may have been much to commend the policy. But a century or more of experiment and experience has transformed all this. We now have complex and antagonistic industrial and commercial relationships, such as the world never knew before. In the last 20 years the people have been subject to exploitation and extortion at the hands of great aggregations of capital in a new and very distressing way. The weaker members of the

community who have suffered more than anyone else have turned to their government for relief from these wrongs. They have asked the government to assist them in the solution of those problems, and to secure justice for all the people.

But when the government undertook to respond to this very reasonable public demand, its ineptitudes, its incapacity, its want of power became manifest. Out of this situation there grew a demand for greater efficiency as well as for higher standards of honesty in state and local governments.

The last speaker [Governor Alexander] favors giving the Governor more power. He commented on the tendency to increase the number of boards and commissions to which are delegated some of the powers of state government; and yet he deprecated the existence of such boards and commissions. It is strange the inconsistency escaped his notice. Why, the fact is these boards and commissions have come into existence in response to precisely the same demand that requires that the governor be given more power. What are these boards and commissions? A public service commission, to prevent public service monopolies from oppressing the public. A railroad commission to prevent the railroads from doing injustice to passengers and shippers. An industrial commission to secure justice to the working people. A health department or pure food commission, to protect the people from the sale of adulterated food products. And so on. It is the people who are paying for these commissions. It is the people who are demanding that these things be done for them by the government, and in the same voice they call for increased power for their executives to the end that their government may be made still more efficient.

Now, this does not mean that there should be any encroachment on the prerogatives of the legislature, or on the authority of the courts. It is going a long ways to ask us to depart from the settled traditional powers of our governors, but we may go a long ways without trenching upon the powers of either the legislature or the courts.

Take the proposition submitted by Governor Mann, that the governors should have the right to submit bills to the legislature. It is only an adjunct to political leadership. I do not care what you may say here or elsewhere, the people hold the Governor of the commonwealth responsible for carrying out their wishes as registered at the ballot-box. They look to him for results and not to the legislature, and it is unwise to separate responsibility from power. Moreover, it is unfair to the Governor to hold him accountable at election time for the defeat of policies, the success or failure of which he could not control.

Another Governor presented a proposition for the submission of a budget—a governor's budget to the legislature. This is something the governor now has nothing to do with. Ordinarily he has no voice in the matter of the finances of the state until the money bills come to him for signature after the legislature has passed them in both branches. But when election day comes and the people undertake to pass upon the question of whether or not the administration of their affairs has been satisfactory, it is not the legislature but the Governor who is held responsible. If appropriation bills have been passed in excess of what is necessary, just or fair, he is the one who suffers. Is it not entirely in conformity with democratic ideals of government that he who now has the responsibility, should also have the power? It seems so to me. Power and responsibility should not be divorced, otherwise the government will soon be neither representative nor efficient.

So, for one, I can see no departure from the fundamental principles of democratic government, either in the short ballot, in the submission of a governor's budget at the beginning of the session, or in granting power to the Governor to submit bills directly to the legislature. On the contrary it seems to me perfectly plain that all those propositions are in the interest and promotive of real democracy.

Take the short ballot, for example. If you have a ticket of a dozen names, the average voter will know nothing about the merits of most of the candidates. He may have preferences for one or two places but that is all. As to the rest

he will vote blindly. True he has a theoretical right to vote for a candidate for each of the places; but if he has no knowledge about the qualifications of all these candidates, what good does it do him? None whatever. Nor is it in the interest of real democracy to put questions or candidacies up to the electorate concerning which the electorate have no knowledge or interest, and about the decision of which at the time they act upon the matter they do not care.

In many instances the people, when forced to select in this way will vote into office bad and incompetent men, of whose qualifications they know little or nothing. How much better it would be to shorten the ballot so the people may know what they are about, and then hold the incumbents of those few elective positions strictly responsible for the proper administration of government.

Now I have talked longer than I should, but let me say one thing more. As I understand Governor Mann, he advocated submitting a bill to the legislature as a governor's bill, and wished it to go there for consideration on that basis. At the present time I suppose in all the states the Governor may submit a bill to the legislature with a special message, but of course some member must introduce it on the floor of either house before it can be put through the legislative mill. I can easily see objections to that. Governor Mann also proposes that the Governor be given power to refer such a bill to the people at the succeeding election in case it should be defeated in the legislature. This suggestion is so new to me that I do not care to discuss it. Let me say, however, that it raises two important questions: if the initiative principle be sound, why limit it to bills introduced by the Governor? If it be not sound, why confer this privilege upon the Governor and deny it to every one else?

What was said by the advocate of that measure as to the advantage of legislative debate and consideration of these bills over submission of them directly to the people after they have been framed by a small group of people, seems to me very sound and very wise. In the legislature as nowhere else bills are keenly analyzed. They are considered and debated at committee hearings. Their weaknesses are exploited in

the public press. The arguments for and against them are published far and wide. Men who would probably be affected by them explain how they may be expected to work in practice. Thus public opinion is focused on what the legislature is doing, and after a bill has gone through the legislative mill it is usually very much wiser in substance and very much better in form than when it was first introduced. So that if it is to be put out upon an initiative petition at all for popular vote it should go through this process first. But why restrict the plan to bills submitted by the Governor? That is so novel a proposition I do not care to discuss it, and I shall be glad to hear what the governors have to say about it.

FORMER GOVERNOR FORT—In my state we have given a great deal of consideration to this question of the short ballot and I am going to ask Governor Fielder, who has served in our legislature,—member of the assembly, speaker of the house, senator, and president of the senate and is now Governor, to state what the short ballot is in our state, and to speak on that subject alone.

GOVERNOR FIELDER (of New Jersey)—Mr. Chairman, the addresses delivered this afternoon relate to a subject upon which much has been said and upon which much will be said in future years. They make practically one subject and one, I think, that appeals to every man who has held public office and who has therefore had a chance by experience to learn some things at first hand.

As Governor McGovern has said, we are not speaking for ourselves when we speak of the enlargement of the powers of the executive, because it will be but a short period of years before we all pass on and some other governor will occupy the position we now hold. I think you have all had the experience which has come to me in the office of governor, namely, that there are a multiplicity of duties and official business matters connected with the executive office, taking up about all the time the governor can possibly devote to his office and that he would not necessarily seek for more duties or look for an enlargement of his powers, simply for the sake of extending the scope of his influence.

Times and conditions have changed very materially, since the days of Thomas Jefferson. The people have changed. We have nearly 100,000,000 population in the United States today as against the small population of the days of Thomas Jefferson. The business affairs, the interests of each individual, are very much more complex than they were in his day. People in his day had time to study their public affairs, to read the press of those days, to inform themselves on current events. But not so in these days. I find in my own state, strange as it may seem, that a large portion of our voting population take their politics and their information, from the press of New York City which city is situated on one of our borders, and the press of Philadelphia situated upon the other border. I mean that a great number of our men are engaged in business in New York and Philadelphia, and they know more of New York and Pennsylvania politics and public affairs than they do of New Jersey affairs. That is a sad situation but it is nevertheless true. And in the days of Jefferson there were not so many offices to fill as there are today. So that the time and attention of the people, in my judgment cannot be given to the proper performance of their duties as citizens, or is not given, as in the days of 100 years ago.

The former Governor from Colorado [Governor Adams] says that the Governors and former Governors here assembled could be trusted with a larger power and could be trusted to perform the larger duties that have been advocated in the papers that have been read here. I do not understand why he should fear that those who will come after us, who will be selected by the same electorate that elected us, cannot be trusted to do the same good things that he says we could do. Most of us can speak only from our own experience, from our personal knowledge of public affairs. Some of us have served in the legislature before we were elected governor, and speaking from my own experience, from the knowledge of conditions that prevail in my own state, I say very emphatically that our people are satisfied with the short ballot we have and we would be even more pleased if we

had a shorter ballot, when we consider the county and local offices we have to fill.

The only state official that the people of my state elect is the Governor. We have no lieutenant-governor. In the absence of the Governor from the state or in the case of his resignation or death, the president of the senate (who is elected by the people of his county) succeeds to the office of governor. All our state officials, with the exception of two, are appointed by the governor and those two, the state treasurer and the comptroller, are elected by the two branches of the legislature in joint session. Just why that is done differently from the appointment of the other officers, I don't know. The judiciary of the state, the judges of the Supreme Court and the judges of the Court of Appeals, are appointed by the Governor and I can say from my acquaintance with the men who fill our judicial positions, that if they had to submit their candidacy to the people of the state and run at the primaries and at elections, upon a party ballot, we would not have these men, they would not be candidates for office. We have a judiciary second to none of the states of our nation.

I have been a member of the bar of New Jersey for twenty-five years and, so far as my memory serves me, there have been but two judges of our Supreme Court who have failed of re-appointment, and they were not re-appointed because of advanced age and physical condition. Every Governor, no matter what his politics has been, has re-appointed the judges as their terms have expired. Republican Governors have appointed Democratic judges and Democratic Governors have appointed Republican judges. It has been a perfectly satisfactory method of selection, not only of the judges, but of our state officials.

We have carried this idea a little farther into our municipal elections in some cases. We have a commission form of government that may be adopted by our municipalities upon referendum. That is, the act is on our statute books providing for three or five commissioners, depending upon the population of the municipality, who shall govern all the affairs of the municipality, which act may be adopted by the



municipalities upon referendum. According to my recollection, ninety per cent of the municipalities in which this act has been submitted to the voters are operating under it, the act in most cases being adopted by an overwhelming vote. This shows, in my judgment, that the people desire to lessen the number of local officials whom they shall elect. Why, in my home city, Jersey City, during our campaign for commission government which was adopted there, it was stated that we had ninety different official heads in the city government, either elected, or appointed by the mayor of the city, and now, after the adoption of the act, we have five commissioners who may be recalled from office under the provisions of the act. So I say we have tried the short form of ballot and have tried the appointive power in the Governor, and the people are satisfied with both. There is no expression of desire from any source that we should change our plan and elect all our officials.

One more word, Mr. Chairman, and I am through: as to the right of the governor, or the power of the governor, to suggest legislation to the legislature. In most of the states the governor may communicate to the legislature as frequently as he pleases by message, and under New Jersey's constitution he may submit measures to the legislature, and I take the word "measures" to mean bills, that is, he may submit bills drafted under his direction or by himself. When Governor Wilson was a candidate for governor in our state, he said on numerous occasions that if he were elected he would understand that he was elected as the leader of his party and as the representative of the whole people through whom they should speak. And he said, "I warn you, if you do not desire to choose me upon these conditions, do not elect me, because I believe that is the course I should follow and I intend to follow it." You know the result—Governor Wilson was the representative of the whole people, as well as the leader of his party. Other governors before him had suggested their ideas in messages to the legislature. I do not recall whether they had actually submitted bills, but I think they had. Bills were submitted by Governor Wilson. I have submitted bills to the legislature. I claim

that is my right as governor, and that the people desire me to do it.

A bill may be submitted by a member of the legislature and be equally as good perhaps as any measure suggested by a governor. But you know from your experience how little publicity at times the average legislator can command throughout the state. In his own locality some prominence may be given through the local press to his ideas, but not by the press of the state as a whole, and it is, after all, not the suggestion of the governor, not his expression by way of bill or message that really accomplishes the desired result—it is the publicity that follows. It is an aroused people speaking through the press, or at meetings to the members of the legislature from their different communities, that accomplishes the result; and the suggestion of the governor, whether it be by message or by bill commands more attention and receives wider publicity and discussion than the same suggestion from a member of the legislature. The legislature can say, after all, whether the measure suggested by the governor is a proper one to pass. He cannot compel the legislature to follow his suggestion. He can only ask the people, through the medium of publicity, to say what they think of it, and if they approve, to say so to the members of the legislature, and direct them to follow the Governor's suggestion. If he cannot command popular approval for his suggestion, then of course his recommendation should fail.

So far as the executive budget is concerned, we have no such thing in our state and I am not prepared to say whether that would work out as satisfactorily as a plan I have in mind, that is a state board of estimates. We have now a committee of the legislature, changing from year to year, acquainted with the state affairs for only a year perhaps at a time, and taking up the performance of their duties during the few months the legislature is in session, making appropriations. I think that some board, which I may call the "state board of estimates" so as to designate it, in session all the time, keeping in touch with the financial affairs of the state, would provide a better and wiser solution of this

vexed question,—the raising and appropriation of the necessary money for the purposes of state administration.

FORMER GOVERNOR FORT—The hour has arrived when we were intending to adjourn. But Governor Walsh has a motion, and then there is a gentleman waiting here whom you will all be glad to see.

GOVERNOR WALSH—I am sorry to break in on this discussion, but citizens of Cambridge have been waiting for half an hour to take the Governors to their city, and I may say that it will be necessary to leave directly.

It has seemed that this first day of our sessions as a Conference of Governors would not be complete without a message from the chief executives of the nation to the chief executive of the nation, and I propose and move the adoption of this motion and request that if it is passed the secretary be directed to transmit it to the President of the United States.

“To the President of the United States,  
Washington, D. C.

The governors of the several commonwealths of the nation in conference assembled at Boston, this twenty-fourth day of August, nineteen hundred and fifteen, desire to tender to you an expression of their confidence and support in this hour of deep international concern; and to assure you of their readiness to follow your leadership in all matters which you may deem best to promote the honor and maintain the peace and welfare of the nation and the whole people.”

[Applause.]

GOVERNOR MANNING (of South Carolina)—It seems to me that this whole question is one that rises above party and above section. And it is a message which we should send first as Americans. Therefore I second the resolution and ask that it be adopted by a rising vote.

GOVERNOR BYRNE (of South Dakota)—Mr. Chairman, I second the motion.

(The question was put and the motion was unanimously adopted by rising vote.)

GOVERNOR WALSH—Mr. Chairman, I now desire to announce that we are honored by the presence of a representative of the national government, Secretary Daniels of

the Navy. Secretary Daniels is in the executive department and I move the appointment of a committee of two, to officially escort the Secretary to this room.

(The question was put and the motion agreed to.)

FORMER GOVERNOR FORT—The Chair will appoint for this duty Governors Walsh of Massachusetts and Stuart of Virginia. If you will pardon me from the Chair, while the Secretary is coming I want to say a word of addenda to the admirable address by Governor Fielder. He may have said it, but in New Jersey the governor appoints every judge in the state for every county, and every prosecutor of the pleas of every county. And the suggestion was made by the Governor who delivered the last paper, Governor Alexander—

[Secretary Daniels of the Navy, escorted by Governors Walsh and Stuart, entered the Chamber at this moment and was received by the Governors standing.]

FORMER GOVERNOR FORT—I have very great pleasure, gentlemen, in presenting you to Secretary Daniels and Secretary Daniels to you. He will stand down in front and greet you and he may say what he chooses. We shall be glad to hear from him.

HON. JOSEPHUS DANIELS, SECRETARY OF THE NAVY.

I thank you. My purpose here is to give myself the pleasure tomorrow afternoon of entertaining the Governors of all the Commonwealths on board the "Wyoming," the flagship of the fleet. I trust that you will come with your wives and daughters and we will try to show you some samples of the great Navy of America, of which we are all so proud. (Applause.)

FORMER GOVERNOR FORT—The Secretary will stand just there (indicating) and we will be very glad if you will all greet him as I am sure we are all pleased to meet him.

I desire to present to the Conference a despatch from the Mayor of Portland inviting the members of the Conference to visit Portland next Saturday.

"Portland, Maine,  
August 24, 1915.

HON. J. FRANKLIN FORT,  
Chairman, Conference of Governors, Senate Chambers,  
State House, Boston, Mass.

The city of Portland most cordially invites the members of the conference of governors to visit Portland next Saturday, August 28, or at such time as would suit their convenience.

WILLIAM M. INGRAHAM,  
*Mayor."*

Also a similar telegram from the Chamber of Commerce of Portland, Maine, inviting the Conference to Portland.

"Portland, Maine,  
August 24, 1915.

HON. J. FRANKLIN FORT,  
Chairman, Governors' Conference, Senate Chamber,  
State House, Boston, Mass.

Portland, Maine, America's sunrise gateway, extends on behalf of the entire state of Maine an invitation to the governors of the American commonwealths and their parties to visit Portland and the wonderful summer land of the Casco Bay region, immediately at the close of the conference. Portland has planned a tentative program for Saturday if the governors can accept it that will provide the rest and recreation needed and at the same time furnish a trip through three of the New England states, a glimpse of the heart of the true New England, a visit to the metropolis of the Pine Tree State, viewing the White Mountains on one hand, and the cool and limitless Atlantic on the other, a quiet steamer trip down Casco Bay amid its 365 wooded isles, the most beautiful spot on the Atlantic coast, and a genuine shore dinner of Maine lobsters and clams. If the governors or any part of them can accept this hearty invitation, a trip to Portland will give a fitting climax to the New England trip. Come to wonderful Maine.

The Chamber of Commerce of Portland, Maine.  
W. B. MOORE, *Executive Secretary.*  
GEO. L. CROSMAN, *President."*

At the conclusion this afternoon we will go to the executive department as already announced. Tomorrow morning we meet at 9:30.

[The Conference was thereupon adjourned, to be resumed on Wednesday, August 25, 1915, at 9:30 a. m.]



## SECOND DAY

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August 25, 1915.

The sessions of the conference of governors were resumed on Wednesday morning, August 25, 1915, at 9:30 a. m., in the Senate Chamber, Boston, Mass.

GOVERNOR WALSH—The conference will come to order, please. We are pleased to welcome to the conference to-day three governors who were not with us yesterday, and whom we are delighted to have here and whom I want to welcome in the name of the people of Massachusetts as well as the other governors. They are Governor Whitman of New York, Governor Curtis of Maine, and Governor Goldsborough of Maryland.

The presiding officer selected by the executive committee for this morning's meeting is a governor who has been much interested in the work of the conferences and who comes from one of the Middle Western states. I feel honored, and it is a great pleasure to present as the presiding officer of the morning session Governor Byrne, of South Dakota.

GOVERNOR BYRNE (Presiding)—I appreciate the compliment of being selected to preside over the conference this morning, and I just want to say that I have enjoyed the visit to Boston and I want to express my appreciation, and I believe the appreciation which we all feel, to Governor Walsh and the people of Boston for their kindness in entertaining us, and the efforts which they have made to make our stay pleasing, agreeable and profitable.

The program this morning provides for two addresses, one by Governor Hammond on "Economy and Efficiency in the State" dealing along the same line largely as the addresses of yesterday. There has been some suggestion that we devote a portion of the morning hour to a discussion of

yesterday's papers, and then it was suggested that inasmuch as Governor Hammond's paper was along the same line as those read yesterday, that it would perhaps be better to have that paper first, and then take what time is considered advisable to discuss all of the papers, those read yesterday and Governor Hammond's paper; and if that is agreeable we will proceed on that plan. I will ask Governor Hammond of Minnesota to address you on "Economy and Efficiency in the State."

### "ECONOMY AND EFFICIENCY IN THE STATE"

GOVERNOR WINFIELD S. HAMMOND OF MINNESOTA.

Mr. Chairman and Governors: We have become very familiar with the campaign cry "economy in state administration." It is assumed, and rightfully so, that the people of each state desire an economical, businesslike administration of state affairs. No one openly advocates waste or extravagance. The campaign orator can declaim earnestly and vehemently against these two evils without running the risk of offending any considerable number of voters. It furnishes a safe subject for political oratory. The voters may be sufficiently impressed with the eloquent denunciation of extravagance to entrust the management of state matters to the candidates for public office who are most conspicuous in assertions and promises that if successful they will devote all their energies to the correction of the glaring abuses they have in mind. The statements are usually general, not specific, directed against the large class of overpaid, inefficient officials and not against any particular individual in the employ of commonwealth. Campaigns come and go. Officials take their places amidst the plaudits of their supporters and retire with the commendation of their friends and acquaintances, and yet the clamor continues, the eloquent phrases are repeated, the strong, bold statements made, economy and efficiency preached from the



house tops, and little or no change made in the conduct of the business management of the states.

Of late there seems to have been a disposition on the part of thoughtful citizens to devote a little time to the study of the conditions which make for economy or extravagance, for waste or for thrift, for loose business management or for good business management. Economy and efficiency commissions have been established, reports have been published—many of them of great value—and apparently an attempt is being made to discover the underlying causes of looseness in the business conduct of the affairs of the sovereign states. The world now has a striking example of what system and thorough organization can accomplish. The achievements of the military forces of the German Empire challenge the admiration of the world, and the preparedness of the German nation for war is undoubtedly due to the military organization of that country and the effective system followed in building up its armies and furnishing for their needs with great thoroughness all things necessary for successful military campaigns.

The activities of the state are many and the number increasing rather than decreasing. We still have our three departments of government, and with one of them, the executive, are these many modern state activities allied.

In order that the building of highways be encouraged and roads constructed in accordance with the most approved methods of roadbuilding, a highway commission is established, the members probably appointed by the Governor, and to that commission is entrusted the work of building and maintaining the roads of the state. It must have inspectors, engineers, draughtsmen, clerks, and other employes, and it becomes a great division of government in itself.

The health of the state demands most careful attention on the part of the state officials, and a health commission made up of physicians and sanitary engineers, probably appointed by the governor, devotes itself to all questions concerning public health. It is necessary to employ sanitary engineers, experts, bacteriologists, endemiologists, chemists, counselors,

and an office force. Another great department of state is created.

To protect the forests of the state a commission is selected, perhaps by the governor, to employ a forester and assistant foresters, and rangers, and an office force, developing another great office.

The state always favors and seeks the immigration of men and women who will make good citizens and add to the wealth and productiveness of the commonwealth. The resources, advantages, and opportunities of the state must be given publicity so that there will be information and encouragement for the settler, mechanic, or business man who thinks to find a home in it. For this a board of immigration is established with power to employ one or more commissioners, publicity agents, clerks, and an office force. It is given authority to expend large amounts of money for advertising and other methods of publicity. Still another great department.

There are many other boards and commissions, all established to carry on important and useful work, all composed of good, earnest citizens, all with executive agents to superintend and supervise their activities.

All of them are, as I have stated, allied with the executive department of state, although in many cases they are independent concerns.

The members of the various commissions are generally men of prominence, influence, and ability, among the best citizens of the Commonwealth. Generally they serve without compensation, sacrificing their time, and to some extent their business interests, for the service of the state. They usually come from different sections of the country upon the theory that all sections should be represented as well as may be upon the commissions. This allows little time for conferences other than at the board or commission meetings, perhaps one day in a month or one day in three months. In the interim, between the meetings, the executive agent of the commission is in full charge. He prepares for each meeting a bundle of reports, plans, projects, proposals, and communications for the attention of his board. They must

be examined hurriedly. The approvals and decisions of the commission are very often simply formal ratifications of things already determined by the executive agent.

All this has resulted in giving the state not one governor but a number of governors, one of whom is elected, the others appointed by various boards and commissions. The governor of the state bears about the same relationship to many of these boards as he bears to the courts, and it is fundamental that the executive and the judicial departments shall be independent of each other. If a judge resigns, the governor may appoint his successor, so if one of these members should resign, the governor could appoint his successor, but he has about as much to do with the policies and the work of these boards as he has with the hearing and determination of cases of law.

There is little or no co-ordination between these various bodies. We have a case in Minnesota where the keeper of a hotel addressed the governor of the state informing him that one state board had directed him to tear down his building because of danger from fire, while another board had directed the installation in the building of new stairways or fire escapes or some other improvement to make it more suitable for a hotel. Perplexed he asked the chief executive which order he should obey first.

Inspectors, examiners, investigators, and employees of these various governing bodies, busy in the performance of their duties, are traveling over the states, some times several of them descending at the same time upon a little hamlet of two or three hundred inhabitants, where all examinations and investigations for all of the state departments could be done by an able-bodied man in half a day. Salaries and traveling expenses are continually increasing, while in political campaigns the cry for economy goes merrily on.

In Minnesota for some time there has been a feeling that there should be a thorough reorganization of these various offices, that they should be included in the executive department and should be under the control and direction of the executive himself or department officers selected by him. My predecessor in office appointed a commission of thirty

citizens of the state, known as the "Efficiency and Economy Commission." They were asked to make a study of our system of state government and to suggest changes, if needed, to make that government an efficient one and an economical one. The body was composed of bankers, capitalists, the president of the state federation of labor, lawyers, editors, a political writer, a clerk of the district court, a member of the state board of health, the private secretary of the governor, a member of the educational commission, university professors, one of whom was president of the American Economic Association, farmers, and business men. The consulting statistician was a university professor, formerly director of the United States Census. All parts of the state were represented. Eight of the members had experience in the state legislature.

The members of this body made a report to the last legislature and presented a proposed bill for enactment into law. Their purpose was to substitute business efficiency and system for unbusinesslike practices. There was no criticism of state officers nor was any political party or set of men blamed for the conditions which it was hoped would be improved. The idea was to advance the business management of the state by adopting efficient methods and system for non-efficient methods and looseness. No radical changes were proposed. All the work of the state was to be carried on. Independent boards and commissions were to be brought under effective supervision and into co-ordination with other branches of the state government and under one management, at the head of which would be the governor of the state.

Referring to the board system, the commission said:

Students in political science are all agreed that executive work should be done by individuals and not by boards. The average citizen has come to the same conclusion. The board system tends to delay and inefficiency. It dissipates responsibility. No one knows exactly who is to blame if work is badly done. Boards are necessary for legislative and judicial work. They are useful to give advice. They are not suited to administrative tasks. Moreover, under the board system, the Governor has little control over the administration. The board members usually have overlapping terms. Each Governor appoints only a minority. Each board is a government by itself."

There can be no objection to the establishment of boards and commissions. The advice and assistance of men picked from the citizenry of the commonwealth for their intelligence, ability and worth, cannot but be of great benefit to public officials and to the state itself, but their duties ought to be advisory and not executive. They are not given the opportunity to familiarize themselves with all conditions brought to the notice of public officials or to acquaint themselves with the details of the work being done or to keep in touch with all the matters relating to and affecting that work, so as to enable them to act as executives.

The plan proposed in Minnesota was to consolidate all of these offices and divisions of government in five or six departments. At the head of each department was to be a director appointed by the governor and responsible to him for the conduct of his department. Thus it was thought would be brought about that co-ordination of offices and systematic arrangement, eliminating duplication of work, and permitting a high degree of efficiency, and thereby economy, for efficiency means economy. Employees might be detailed or transferred temporarily when emergency demanded, thus saving the employment of men and women in one office when other state employees have little or nothing to do. Now two offices may be collecting substantially the same information at the same time, each employing a force of clerks and investigators for the task, when all could be done by a single force without materially increasing its work.

But not to weary with detail, one great advantage was the check upon many bureau and division heads. Each was under the supervision of a department director, and that official himself under the direct supervision of the governor. If there were a leak, if there were extravagance, if there were waste, with such a system one could put his finger upon the spot where a remedy should be applied.

In order that it could not be urged that through this plan the governor would greatly augment his patronage and be able to build up a powerful political machine, as well as for other reasons, the inauguration of a merit system in the selection of state employees was proposed. This plan was

similar to that obtaining in the federal service, its provisions very like those of the United States civil service law. Under the plan presented in Minnesota the governor would have less patronage than that possessed by him now.

It was proposed also to adopt the budget system, each officer preparing for the head of his department a summary of necessary expenditures and the reasons therefor. The director of the department, after an examination of all statements received by him, would prepare a department estimate showing all revenues and all expenditures in his department for the ensuing biennium—for in Minnesota the legislature meets once in two years—and showing the appropriations in his opinion needed for the department. These estimates, after being examined by the governor and modified, if necessary to secure his approval, would constitute the budget to be delivered to the legislature and referred by it to its appropriation committees.

I wish I could say that such is the Minnesota plan rather than such was the plan proposed in Minnesota. Undoubtedly there were some defects in the bill, and there will be in all likelihood in all bills presented to legislative bodies, defects that will escape the scrutiny of excellent lawyers and skilled law-makers. No doubt if adopted and put into practice, some amendments would be found desirable. Experience under a new law will undoubtedly develop that there are omissions to be supplied before an approximately perfect working law or system can be obtained. That is true of all measures and this bill was in my judgment as free from defects as well drawn and carefully thought out legislative enactments are when first presented to the legislative body.

It would seem that so salutary a plan would receive not only the support of the citizens of the state but would be heartily welcomed by the members of the legislature themselves. But there were some obstacles, and the sponsors of the plan were not able to overcome them in the last legislature, although I am inclined to believe that in the next considerable progress will be made.

Of course, there were first of all those fine old delightful legislators who have been long in the public service and who

look upon any change in method as something akin to sacrilege. They are by nature opposed to any development or improvement of the old system and the old ways and the old practices unless they themselves, after mature deliberation, bring forth the idea and present it. The very fact that enterprising, businesslike men favor a businesslike plan puts them upon guard to oppose the encroachments of the people upon moss covered precedent and practice. They were against it or, as they might themselves express it, "agin it." They could not be moved. But there was no dishonesty or humbug in their opposition. It was just their natural obstinacy to a new thing.

Then there was the opposition of those who believe that public office is opportunity—not the opportunity of which our reformers speak, opportunity to serve the people of the state, but rather opportunity directly or indirectly to help one's self. They were the patriotic spoilsmen who could not abide a civil service law and could not heartily support any plan that had for its purpose the making of a public officer earn the salary paid him. They could not look with equanimity upon the elimination of soft snaps and fat jobs given as rewards for political activity.

There were others, and some of them quite vociferous, who had relatives holding positions in various departments. They could not conscientiously approve a plan which might deprive a relative of the means of making his living.

There were some of the forces in the legislature opposed to the adoption of the plan, while outside of the legislature many of the office holders under the independent commissions and bureaus and other establishments resisted to the utmost any attempt to place over them effectual supervision and to take from them the opportunity of running their divisions and offices according to their own ideas and purposes.

So the first attempt to inaugurate an efficient and economic administration in one state of the Union was defeated, but that gives no reason for discouragement. It would be remarkable indeed if so great a reorganization, displacing perhaps a great number of incompetents and inefficients and inaugurating businesslike methods in state affairs, could be

adopted without the merits of the plan being somewhat extensively advertised and perhaps being made the issue of a campaign. But the state is on the right track. The last legislature, while not adopting the plan, did provide for the appointment of another commission to take up the work of the old one and propose a plan for the reorganization of the state departments for its next session. While it is too early to reach any conclusion as to the value of the work of this new body, one thing is certain, that the state of Minnesota is taking the first steps toward securing economy by inaugurating efficiency, co-ordination and businesslike methods in state administration. The day when oratory alone will suffice has passed. There must be deeds as well as words and Minnesota is one of the states endeavoring to redeem the promises of economy and efficiency so often made and so long disregarded. Our state expenditures have been increasing by leaps and bounds. The last legislature is the first for years whose appropriations did not exceed the appropriations of the preceding one. A halt has been called. The people are not in favor of parsimony but they demand their money's worth. Loose, useless, and unscientific methods must go, waste must stop, and the state affairs be conducted in a manner approximating the way ordinarily successful business men carry on their own affairs.

I desire to add to that this: it should be clearly understood, governors, that this is no academic question. It does not concern itself in the slightest with the theories of Hamilton or the doctrines of Thomas Jefferson. The theories of Hamilton and the doctrines of Jefferson were undoubtedly well adapted to the conditions or the situation of the country at the time they lived; but we have gone on since that time and we cannot spend our time in this busy day disputing the academic questions and the academic principles involved in the differences between those great men.

The greatest and the biggest thing connected with any state in this Union is this fact, that it is one of the states making up the United States of America. We may be proud and are proud of our various states, but nevertheless away above our states is our common country, the development of



the American people and the building up of America. And there is nothing that we should do or can do in the states better than to aid so far as we may in the common development of all of the states.

The people of our states are not so much interested, so far as state affairs are concerned, in great questions and problems that belong to the National Government to meet and to solve, as they are in having their business affairs and their state concerns conducted in a prudent, businesslike, economical way, and they choose for their chief executive men that they believe will be able to conduct the affairs of the state in such manner.

I am not one of those who believe that the governor should have more power, but I do believe that the governors ought not to be afraid to assume greater burdens and greater responsibilities, and I believe that when they are chosen by the people of their states to carry out the affairs of the state, they ought to endeavor to give such an administration of those affairs to the people as they would if they were placed at the head of great commercial or industrial concerns.

That is why there is a movement, not in Minnesota alone but in many of the states, toward such a thorough reorganization of affairs as will give—not greater power to the governor, but will place upon him greater responsibility and let the people feel that there is somebody in the executive chair who is looking after things and who is endeavoring to give such an administration to the state that the people of it will feel satisfied that their affairs are economically administered without waste, without extravagance, but as good, fair, decent business men ought to conduct them.

GOVERNOR BYRNE—This paper and the others are now open for discussion.

GOVERNOR SPRY [of Utah]—In view of the fact that these papers are of decidedly interesting character, and the further fact that I might want to discuss some of them myself, I move you, Sir, that we limit the discussion of the various papers to five minutes.

GOVERNOR BYRNE—It is moved that the discussion, the talks, on the various papers be limited to five minutes.

GOVERNOR MANN—Before that motion is put I would like to make a suggestion to the governor from Utah. Suppose the paper is attacked by a good many governors. Would you not give the author of the paper an opportunity to answer the advancing hosts?

GOVERNOR SPRY—Certainly. My purpose was to limit the discussion by the gentlemen who desired originally to discuss them. The author might be excepted from the rule.

[The question was put and the motion was agreed to.]

#### DISCUSSION.

FORMER GOVERNOR HAINES—Mr. Chairman, I have just one suggestion to make in regard to all these papers. I want to make a special endorsement, from my limited experience of two years in the governor's chair of the state of Maine, of the suggestion made by the last paper leading to the idea that commissions should be advisory.

I live in an old state, under the old form of government, where the powers of the governor are limited, where practically every act that he does must be confirmed by an executive council of seven members. And from such experience as I have had, I would not have the powers of the governor extended a particle. We are governed by law in our state; you are in yours. And the statutes provide what every man shall do. Every officer is an agent of the people, and he finds the duties imposed upon him in the statutes, where he is advised what his duties are. He is a public servant, and it seems too much to me to charge the executives of these forty-eight commonwealths with the responsibility for the thousands of officials whose duties are defined by statute. I do not believe it is a correct principle of government.

In my state we have few boards. I wish we had less, and I think my successor [Governor Curtis] would say the same. And there has been a tendency as suggested in the last paper to increase the boards, but while we have one man in one department, like one bank examiner, one insurance commissioner, one superintendent of schools, one commissioner of domestic animals, the same as we have one secre-

tary of state, one state treasurer, one attorney general, and one forestry commissioner, we get ahead much better than we do with a commission of charities, a highway commission which got into a tangle before they fairly got started in office, and we find that the work of these commissions must be done by the executive officer; and the executive officer, one person, in public life the same as in private life, with something to do will do it much better than one who has practically nothing to do and can delegate that to somebody else.

Speaking about the troubles the governors have, I have this suggestion to make which I think will cure the official ills and perplexities of every governor of this Union. I believe if there was a fixed term of office for the governor sufficiently long to permit him to carry out the policies he advocated before the people and which the parties behind him have said they want carried out; and if he was not eligible for re-election, and hampered as those who it is known or thought aspire to another term are, it would solve in a very great measure the problem which we have before us. If the governors of these commonwealths had four years in which to serve, or even two years although perhaps that is too short,—but four years as most of them do, their policies might be continued by another man, but that man would be entirely free and his hands would be untied in the matter of appointments. No appointment of his could be affected by official influence and no policies of his could be changed by official appointments.

FORMER GOVERNOR GILCHRIST—Mr. Chairman, the Conference discussed yesterday the power of the governor over legislation. I wish to state that the constitution of every state makes it the duty of the governor to communicate with the legislature by messages. Therefore the governor talks to the legislature. When he signs a bill he votes in the affirmative. When he vetoes a bill he votes in the negative and votes with a two-thirds vote. Therefore the governor is a member of the legislature. The Supreme Court of Florida has decided that he is.

Talking about sending messages, you can send in a bill on any subject drafting it as you please.

I went a step further, although many governors probably have not taken this position. I asked the Speaker of the House and the President of the Senate to appoint a committee on governor's messages, and secured a chairman in each body in harmony with the governor. Then I submitted thirty or forty propositions in messages and drew up a bill on each of those subjects and put them into the Senate and the House, often going before the committees myself. In that way the governor has a very strong voice in the conduct of the legislature. But we all know the difficulties which are to be encountered in getting legislation through. I once vetoed a measure introduced by a member. Later he was one of the members who voted against one of my bills. A legislator asked him why he voted against the measure and he said, "The governor recommended it, I know, but you recall that he vetoed my bill." And then they talk about the dignity of the legislature. But a man who has been a member of the legislature knows that there is human nature in the legislature which manifests itself in various ways. So far as the power of the governor is concerned, through the increase of the appointing power, I think if you let more officers be elected by the people, rather than give the governor the appointive power, the governor will have more time to perform his own duties.

Some gentleman said here that the governors in his state always act in a high-toned, magnanimous way, and re-appoint the justices when their terms expire, regardless of whether they are Democratic or Republican, but show me any Democratic governor here who would re-appoint all the judges if they were all Republicans. He would not do that. Or show me any Republican governor who would appoint a Democratic secretary of state or any other official. If that man had fought him tooth and nail for governor, he would not do it, I would not do it and you would not do it. I should decide that some other man was better qualified to perform the duties of that office. I surely would feel that someone more friendly to me is better qualified.

We may talk about an economical government, but who makes the appropriations? It is the legislature. And when the

legislature speaks some governors are not going to stand up against it. The lack of backbone is one of the troubles; wriggling in and wriggling out, and when you get a governor like that and give him more power, what will you do? It is all right for these governors here, but when you get one of that kind of governors, what is going to happen?

Former Governor Haines of Maine suggested that the governors should not be eligible for re-election. That is the law in my state. But when the governor wants to run for United States Senate, what will stop him? The Constitution provides that such a man shall be eligible.

In conclusion, I want to say one thing; some of the gentlemen said yesterday that you could not trust the people who elect them. There is not a governor here who does not think that the people acted wisely and displayed great intelligence when they elected him governor of his state.

GOVERNOR WILLIAMS—While it is true that the qualifications for a senator are fixed by the Federal Constitution, nevertheless they are, as a rule, elected through political parties. We have party government in this country, but the Federal Constitution does not recognize parties. So if we had a state constitutional provision that no governor during his term and for a specific time thereafter should be eligible to a party nomination for United States Senate, that would settle one of the objections urged.

Another reason: I firmly believe in the appointive power as to the officers of the executive department. But there could be a check on that and a wise check, to require the governor in making an appointment to select five names and send them to the senate, and out of that five the selection must be made by the Senate. The entire five are his appointees. If he has not enough backbone to make the selection which he ought to, he can send in the name of the weak man and the names of four strong men, and the senate and the governor together will be able to render real service to the people, and have a real government, a businesslike government, and a government which is not to be despoiled by the office seeker.

GOVERNOR WALSH—All the papers we have listened to indicate that there is something wrong in the organic law of our states which prevents an efficient and economical state government. Now what is wrong? What are the fundamental facts to have before us in deciding whether or not there is an evil which must be remedied? Are not these the facts?

First, that all money is appropriated by the legislature.

Secondly, that all money is spent by commissions and boards named by the governor, but in too frequent cases not responsible to the governor because they are appointed before his election, and the terms of many of them extend beyond his term of office.

Thirdly, the governor has the power of general veto, but in many states he has no power to veto separate items of an appropriation bill. That is the situation in Massachusetts. So that if I am opposed to an item in an appropriation bill for the maintenance of any institution, I would either have to approve the whole appropriation or veto the entire bill.

The fourth fact to consider is that in the popular mind the governor is held responsible for the lack of an efficient and economical government.

Now, if these are fundamental facts, we must all agree that there is something wrong in giving the power to appropriate and raise money to one party, and holding the man responsible whose power of control over the boards who spend the money is extremely limited.

In our state, and I think it is true in many of the states, the governor's sole power over the boards and commissions is the appointing power. He can name a man to public office or remove a man, but he can only remove him for cause and with the consent of others and often he has to get the consent of men opposed to him politically. How can a governor be held responsible for the expenditure of public money when he has no voice in the raising of funds, and no voice in their expenditure? I could issue an order to any board or commission in this state and, by reason of its moral force, expect it to be obeyed, asking the discharge of 100 men, but if it was not done I would find myself helpless for in that department perhaps four out of five or two out

of three members were holding office for terms extending beyond the period of my own term. So it is wrong to hold the governor responsible, but the governor ought to be responsible, and the governor alone ought to be responsible, and the remedy is in a governor's budget as pointed out in the paper presented here.

What are the advantages in a governor's budget? First, one man takes a comprehensive view of the whole financial situation in the state. The first thing necessary to establish an efficient and economical government is to determine what is the total amount of money which ought to be spent by that government for public purposes. How can a legislature do that? There appear before them commission after commission who plead their own cause, each impressing upon them the importance of their public work, and often the amount of their appropriations depends upon their influence with the legislature. So there ought to be one man to say what sum of money the state should expend for its various activities in any year; for he must go before the people of the state making that an issue in his campaign, and the people could hold him or his party responsible for his judgment.

Secondly, the governor is best fitted to prescribe the distribution of that money, or at least he ought to be. He is in position to determine whether conditions pertaining to the public health need greater regulation than do the railroads, or whether the department of education needs more money than the other branches of the state government, and I am firmly convinced that the only way to get an efficient state government is to have the governor fix and determine by his budget to the legislature the total sum of money, and be held responsible for the total sum raised by the state, and at the same time be held responsible for the distribution of it through every department. If he says that one branch of the public service is not of sufficient importance to justify a certain expenditure, it can be made an issue in his campaign because he has neglected this branch or that branch of the government. That makes one man responsible to the whole state. So I am very heartily in favor of some move being made in respect to fixing once for all upon some individual

who shall be responsible to the people, to determine the sums of money to be spent by his state government.

GOVERNOR WHITMAN—I want to ask Governor Walsh a question, because it is a matter of considerable concern to us now in New York, and it is at this time being debated by the Constitutional Convention, and I would like to have expressions of opinion from the various Governors.

It is a subject about which I am not altogether clear. There are many who have been confronted with the same problem, and it is one about which many who have been carefully studying this situation are not entirely clear.

The proposition that the executive budget be made up by the administration, by the governor, if you please, I think is pretty generally conceded to be a wise one.

Now, at the same time should the power of appropriating other moneys be taken from the legislature? That is the question which is now being debated in Albany, and many of the men who have been conscientiously studying these problems are divided in opinion. A good deal is to be said on both sides, as you will see at once.

The plan now before the Constitutional Convention at Albany provides that the governor shall transmit to the legislature his executive budget, and that the legislature may not add to that, but may cut it down. In other words, under the proposed measure the governor sends the budget to the legislature and the legislature may cut it down but may not add to it. Then it is to be returned to the governor, and under the proposed plan the power to cut down and change is taken away from the governor; but it seems to me he should have this power as conditions may change or circumstances arise. However, that is not in the proposed plan.

The plan also involves giving to the legislature the same rights which it has now with regard to general appropriations. I am inclined to think that, particularly with a situation where one or both branches of the legislature may not be in harmony with the governor, that plan might involve very serious inconvenience, if not the defeat of the whole plan.



It would seem that under this proposed plan, assuming that the legislature so desires, it could refuse the governor's budget entirely and make up its appropriation as it does now. I should like expressions of opinion, if any of the Governors here have seen any such plan adopted elsewhere. It is a serious question whether or not the power of making appropriations should be taken away from the legislature. This must be the idea if the power is to rest with the governor only. Under the scheme of governor's budget probably all the money required by the state could be arranged for as the various activities of the state are now represented in what we call our appropriation bill, supplemented by our supply bills.

GOVERNOR HAMMOND—I desire to make inquiry of Governor Walsh, if he will permit it. Did I understand him to say that the governor of Massachusetts cannot veto an item in the appropriation bill?

GOVERNOR WALSH—That is the fact, sir. He cannot veto a certain item in an appropriation bill, but must approve it as a whole or disapprove it and take the responsibility of the legislature perhaps refusing to pass any money or appropriate any money for that department, thus leaving the department "high and dry" for the year. It is a defect in our constitution and I have sought for two years to get an amendment to remedy it.

GOVERNOR HAMMOND—If the power was given to veto items, do you think the situation would be improved?

GOVERNOR WALSH—In part. I would favor, in answer to the question of Governor Whitman, a budget to be submitted by the governor to the legislature, but I would not take away the power of the legislature to appropriate money. If the governor had power to veto separate items he could protect himself in the new appropriations which came to him outside his budget. Without giving the matter very careful consideration I would say offhand that I would favor giving the power to the governor of submitting a budget, but I would also give to the legislature the power of appropriating money outside the budget.

GOVERNOR HAMMOND—Take a practical case. The legislature appropriates \$600,000 for a certain board or commission. Now the governor won't veto that item, although it is twice what it ought to be in his opinion, because if he vetoes the item, the appropriation bill coming in late in the legislative session, it means that there may be no money to carry on the work of that board. It is practically putting the board or commission out of business. Suppose, for instance, you have a board of health and the work is very necessary, but an appropriation is made of \$600,000 when it should be \$300,000. It does not do any good to veto the \$600,000 and put the board out of business. If the power of the governor is to be extended he should be given the power of vetoing an item or vetoing any portion of an item.

GOVERNOR WALSH—Of course your appropriation bills are made up of various items for salaries, employees, inspectors, maintenance, etc.

GOVERNOR HAMMOND—Well, many of them are, but not all.

GOVERNOR CURTIS—This point came up at the last session in Maine, and we have a system there whereby everything comes up first in a resolve, and the governor has the privilege of vetoing the resolve, and then it is not put into the appropriation bill.

The appropriation bill cannot be vetoed in part, but must be vetoed entirely if any item is put into that bill which the governor does not approve of. I brought up the question of whether any item in the resolve could have the force of an appropriation. I contend that it cannot unless it is in the appropriation bill. We have various laws passed which might act as appropriations but I have taken the ground that if they are not in the appropriation bills they are not of any effect. This discussion about economy has taken the trend of the power of officials, but one point has not been touched upon, and that is the fact that the constitutions of different states vary. It is useless for a governor to say to me that he has the power. I have to abide by the constitution of my state, and the constitution of his state may be entirely different.

The constitution of the state of Maine says that, "the supreme executive power in this state shall be vested in a governor." I have asked a hundred lawyers what it means. It means nothing. I will put the question to you, gentlemen. What does that mean? It says, "shall be." Shall be by whom? By the governor or by the legislature? It means nothing. It is useless to have such a constitution.

Further on it comes to a provision which says, "there shall be a Council." The governor cannot make the Council. The legislature makes that, and the question is raised whether the power of the governor shall be vested by the legislature or by the constitution.

Further along it says that the governor shall assemble the Council for the direction of the affairs of government. It seems to be contradictory.

In the first place it says that the Council shall be advisory. Then a little further along it says that the governor shall assemble the Council to direct the affairs of government.

Now, I submit to you,—Who is the executive authority, the governor, or the governor and council? I cannot answer the question.

Here is another question. It says if any office be created, the appointment to it shall not exceed the period of good behavior. Who is going to decide what is good behavior? The governor, or the governor and council, or the legislature? Have you got to wait two years to put that up to the legislature to find out whether that man has misbehaved, or call a special session of the legislature which in Maine costs \$8,000 for a single day?

Another provision says that the tenure of all offices, shall be at the pleasure of the governor and council. What does that mean? We cannot discharge a man without the legislature. We have a case in the Supreme Court today of a little commission which my predecessor appointed which I thought he appointed illegally. I appointed another in its place. Probably the man does not get his expenses and perhaps only \$100 a year. I don't know whether the man I appointed is the right man or the man whom Governor Haines appointed to the job. To decide that I have to call

the legislature together, for two or three days, at an expense of perhaps \$20,000 to decide which is the right man.

Now, the statement of the power in one state does not have any bearing on the power in another state. The constitution of Maine says that the Supreme Court shall answer all questions of law and on solemn occasions. But if I ask a question of the Supreme Court it is pretty difficult to make it a solemn occasion. And furthermore they don't want to answer. They say it is not solemn enough. Now where does the governor get off? I care not where the power is, but I say, have it somewhere. Make it possible, and then we can go ahead and have good government. Down in the state of Maine our great big nightmare is prohibition, and they blame the governor and say, "Why don't you enforce the law?" The constitution does not say so. It says see that the laws are executed, and not that they are enforced. Suppose the sheriff does not enforce the law. What can I do about it? He can laugh in my face.

The question of commissions has been brought up here. I submit to the Governor that I think he has power over those individual acts because by our constitution no money can be drawn out of the treasury without the signature of the governor and council.

Now I have some trouble with my commissions down there, but they have had an idea for years—they have gone along and have thought that as soon as the money was appropriated they could spend it as they pleased. I say—No, you come to me. You cannot spend the money until it has my approval. Otherwise I will not sign the appropriation bill.

I was surprised to hear a college professor lauding the education department for exceeding its appropriation, and he referred to Gladstone as saying that he was proud of any man in educational lines who would exceed his appropriation. And of course every department feels that it is just as important and just as big as the education department. Now where are we coming out?

The power should be concentrated somewhere in the governor, or in the governor and council, or in the legislature, but I say we should have a condition in which we would know just what is meant, and get out of our uncertainties.

GOVERNOR STEWART—On the subject of the authority of the governor to veto items, I do not quite agree with the Governor from Maine upon that being a matter which is peculiar to each particular state. I had occasion upon the adjournment of the last session of the legislature in our state to investigate that matter and I think that more than half the states have the provision in their constitutions that the governor may veto items in appropriation bills. The question then arises whether or not under that provision the governor has the right to veto a part of an item.

In the state of Pennsylvania the wording is practically the same as it is in nearly all of these states which have that provision. The legislature of the state of Pennsylvania appropriated \$11,000,000 for public school purposes. The governor of the state approved the item for \$10,000,000 and vetoed it for \$1,000,000. The Supreme Court of the state of Pennsylvania, the highest tribunal in the state, decided that he was within his rights and sustained his action in that particular.

I looked into the matter very carefully to see what the Supreme Courts of other states having that provision had done. I found that in the state of Wyoming the matter had been adjudicated in part only. It was there held not to be a veto of the whole item, as I recall it. Then the question arose in my mind as to whether or not a certain state educational institution would be deprived entirely, as Governor Hammond suggested, of any appropriation, provided I took the action indicated, to wit, the Pennsylvania action, and I was afraid under the decisions of the Supreme Courts of other states that if I did veto the item in part and approve it in part the Supreme Court of my state would hold that it was a failure to approve the item at all, because of the fact that our constitution provides that every bill which is not approved by the governor

within a certain number of days, 15 days, after the adjournment of the legislature will not become law.

In the state of Wyoming, as I recall it the constitution is different. Every bill not acted upon becomes a law itself regardless of the action of the governor provided he does not act within that time. So that the question then is one which has been adjudicated in a great many of the states of the Union, and it is merely preliminary to getting a constitutional amendment which is broad enough, or to get the courts to put a broad enough construction upon the present constitutional provision to permit of the governor vetoing a part of an item.

The legislators know the law, and they know that if they itemize the parts of their appropriation bills in such a way as to give the governor a chance to act independently on each item of the appropriation and cut out items, he will avail himself of the opportunity. But if they lump it all together as indicated in the Pennsylvania case, the courts have a tendency to say that the governor has no right to itemize the bill himself, but must take it as he finds it.

I call attention to that case because it has come into the discussion here, and because I had occasion to go into it somewhat. My own idea is that if that provision in the constitution is given a broad enough construction to enable the governor to make the necessary amendments, he will reach the point desired.

FORMER GOVERNOR HAINES—Mr. Chairman—

GOVERNOR BYRNE—Since the Conference commenced this session, our ranks have been augmented by the arrival of Governor Beeckman of Rhode Island, whom we welcome. I am glad of the opportunity to make this announcement.

FORMER GOVERNOR HAINES—Mr. Chairman, this is not the place for individual governors from any states to bring up single instances, or to attempt to explain or modify state institutions, but we have started here to discuss a great principle of whether the powers of governors shall be extended or not and the line of the papers and the discussion of some of my Democratic friends seems to be to place the power into the hands of one man.

Now, as I understand it, we got the power out of the hands of one man in 1776, and the first instance of the attempt to get it out was right here in this harbor at Boston. Now, as a citizen of my state and of the United States, I want the press to understand that this is not a House of Lords, although we smoke "House of Lords" cigars. I want it understood that we do not endorse, or I do not endorse any plan that takes the power from the people. We are governed by the people and my idea is that the continuance of this discussion in this line may place us in the most ridiculous position with the public, that the Governors of this Conference thought they should have the whole power of the state.

GOVERNOR BYRNE—The Chairman wants to say that he thinks that in a discussion of this kind a governor who has spoken once should not speak again. There are many who desire to participate.

FORMER GOVERNOR HAINES—I thank you, sir. I had said all that I wanted to say.

GOVERNOR BYRNE—I will take this occasion also to say that we had probably better bring this discussion to an end not later than quarter past eleven. Governor Whitman is on the regular program and I understand we are to leave the State House at 12 o'clock.

GOVERNOR LISTER (of Washington)—Mr. Chairman, the interest manifested by the Governors in the papers presented during yesterday afternoon and this morning is but the interest of every taxpayer in the states represented here. The question as to more or less power for public officers naturally comes up in connection with this discussion. Is it not true, that the taxpayers of the different states are to a greater degree each year looking upon their chief executive as being an official having great authority? Is it not true in the different states that the public have a habit of writing to the chief executive for information covering almost every conceivable subject? And is it not equally true that the chief executive welcomes just that condition so that he may present the different matters to the depart-

ments under his control, and thus be enabled to keep in close touch with the work of the departments?

This question of efficiency and economy has a reason for coming before the people. Governor Haines spoke of an occurrence in Boston Harbor many years ago, and is it not well at this time to remember just the reasons for that occurrence? It was due to taxation without representation. Is it not also true that states, cities and counties today are doing in many cases just exactly what caused that revolution? Are we not bonding cities, counties and states, so that posterity will be called upon to pay the bill? And has posterity any way in which it can protect itself?

Our answer is that we are giving something to posterity in payment for the bonds that are being issued. I desire to say that there are some lines in which posterity will not receive real benefits from bonds which may be issued this year or next year. All over the United States today we find a strong sentiment in favor of building good roads and many states are bonding themselves for large amounts of money for their construction. It is equally true that anyone who has given close study to the "good roads" situation will agree and will admit that within a period of twenty years highways built today will have to be rebuilt, so that we are not only handing down to posterity the opportunity to rebuild the roads we are building today, but we are also saying that they may pay the money we used in the construction of roads during our day and generation. It is this constant increasing of public indebtedness that brings this question not only before this Conference of Governors, but before every meeting of taxpayers held in your state and in my state.

I occupy possibly a peculiar position in being opposed to the issuance of bonds for the construction of roads in the state of Washington, and it seemed that it was unpopular to take that position some three or four years ago, but today it is the popular position in that state. There is no question but that we get results there by taxing to the fullest limit that the taxpayer feels he can stand, directly for the roads being constructed, and we are building a road system that



I believe will be worth while. In twenty years I am sure we will have better roads than a \$20,000,000 bond issue would have secured, and by the expenditure of a much smaller amount. And we shall not at that time be under the necessity of paying the \$20,000,000 of bonds after having paid, should the rate of interest be 5 per cent, \$20,000,000 in interest.

Now the question of the authority of the governors is largely a question which is up to the governor. I am inclined to think that the public generally have some regard for a public official who will lead out somewhat in advance of the constitution, occasionally. I believe that they desire today the public official who is willing to lead rather than to be continually following, who is willing to express some ideas that may assist in the solution of the problems before them.

In the matter of the budget we had no law, nor would the constitution of our state allow the issuance of a budget by the chief executive. And yet, at the last session of the legislature I had prepared, printed and delivered to the members of the legislature a budget covering every department under executive control, and in my state the governor has authority over boards and commissions expending by far the larger part of the appropriations made. In very few instances was the amount recommended increased by the legislature, and in some instances it was decreased.

I regret that in the short time allotted, five minutes, it is impossible for me to enter more fully into the discussion of this most important question.

GOVERNOR DUNNE (of Illinois)—It was an interesting suggestion by Governor Walsh, as to the responsibility of the governor when he cannot veto parts of a bill. If the governor is to assume that responsibility and give an account satisfactory to the people there are only two ways of which I know in which he can effectually deal with the situation. First, by the preparation of an executive budget which will control the legislature as suggested by Governor Walsh, and in the second way, by enlarging the powers of his veto.

In both cases, however, it requires I think in most of the states an amendment to the constitution. The legislature by the constitution of most states is the power to pass laws and levy taxation and the constitution also provides that the governor shall be permitted to veto an appropriation bill as any other bill.

In some of the states, unfortunately, (and I think this state is one of them) no power is given to a governor to veto an item. Most of the states have discovered the weakness of that situation and have very properly, in my judgment, amended the constitution so as to permit a governor to veto items.

But none of the states have gone so far in the constitution as to expressly and explicitly provide that the governor may veto a part of an item. That is the situation in the state of Illinois. The governor is permitted to veto an item. If we amend the constitution so that the governor may properly perform the duties of his office and keep down the expenses of the state, the only way to do it is by amending it so that the governor can veto items and parts of items. I think that the quickest and best way is to favor an amendment to the constitution that will permit a governor to veto an item or part of an item. If he had that power, then the responsibility that the people throw upon him with reference to the expenditure of public money could be ample and fairly assumed and controlled by his veto.

In the state of Pennsylvania, as Governor Stewart has pointed out, the question has gone to the Supreme Court as to whether or not under that portion of the constitution which permits a governor to veto an item, he can veto a part of an item. And I am glad to learn that the Supreme Court of Pennsylvania has determined that the provision of the constitution is broad enough to include the power to veto an item and the power to veto any part of an item. And the governor did veto a part of an item. He cut off \$1,000,000 from an \$11,000,000 appropriation for public schools, as Governor Stewart has stated. In Wyoming, and also in Texas, the question has arisen, and that being the situation at the last session of the legislature, I took

the responsibility of cutting \$3,360,000 off the budget, and in that \$3,360,000 are many decreases in items. I am going to get a construction of that provision of the constitution. The case is now pending in court, and the specific issue is whether or not the governor in Illinois has the right to veto a part of an item. What the result will be I cannot say, but I believe that the surest way to enable a governor to perform his duties is to give the governor the right not only to veto any item, but to veto any portion of an item.

GOVERNOR BYRNE—In accordance with the vote of the Conference, we will close this discussion now, and I will ask Governor Whitman of New York to deliver his address on "Conservation."

### "CONSERVATION"

GOVERNOR CHARLES S. WHITMAN OF NEW YORK.

Mr. Chairman: One of the declarations of the first conference of governors, which assembled in Washington seven years ago, was "that in the use of the natural resources our independent states are inter-dependent and bound together by ties of mutual benefits, responsibilities and duties." That conference was called for the specific purpose of considering the great subject of conservation, and it gave initial impetus to the movement which has since swept over every state of the Union. Subsequently, at the meeting in Richmond, Virginia, in 1912,—I know there are some present who were there—articles of organization were adopted which stated that one of the functions of the Governors' Conference shall be "the promotion of greater uniformity in State legislation and the attainment of greater efficiency in State administration." Accordingly no more appropriate subject can come before this Conference than that of Uniformity of Conservation Legislation. It finds its justification in the objects of the Conference of 1908, objects which have been somewhat lost sight of in many of

the later meetings, and in the spirit of mutual co-operation which has characterized these gatherings since that time.

Our state lines are but imaginary physical barriers, hindering hardly at all the free interchange of the resources of one state for those of another, or the exploitation of one section by those in a jurisdiction far distant. But if state lines interpose little opposition to the forces of dissipation, they effectively check the progress of conservation. Every state conservation law becomes imperative at the state lines. Without co-operation on the part of neighboring states, and even of those more remote, without uniformity of conservation legislation and administration, the wisest measures of one commonwealth may be largely nullified by another. The most striking proof of the truth of this statement is found in the necessity for the Federal Migratory Bird Law. For years the great flocks of migratory birds were the targets for pot hunters and market hunters, and even for sportsmen who shot according to law, in many of the states over which the birds passed. Without regard to breeding seasons of winter refuges, their slaughter was legalized when and where they were most abundant, until extermination was threatened, and the Federal Government stepped in to protect them as birds of passage from one state to another. Against lack of co-ordination of conservation among the states the Federal Migratory Bird Law stands as a vigorous indictment, and unless effective conservation of other resources is provided, we may expect the national government ultimately to extend its control still further into state affairs.

Rather should we stand upon one of the principles of that platform adopted by the Governors of the Rocky Mountain and Pacific Coast States at Salt Lake City in 1910, "that State Government, no less beneficently than National Government, is capable of devising and administering laws for the conservation of public property, and that the National and State Governments should legislatively co-ordinate to the end that within a reasonable period of time the State Government be conceded full and complete administration

of such conservation laws as may be found adaptable to the varying conditions of the several states."

The Pittsburgh Flood Commission, organized in 1908, at first looked upon the subject of its investigations as of local concern only. As the investigation progressed its interstate importance developed, until it was found to directly involve every state from the headwaters of the Allegheny and Monongahela Rivers to the mouth of the Mississippi, and to demand also the study of navigation, sanitation, water supply and water power, as well as reforestation and water storage, in many states.

Co-operation in conservation is even of international importance. Hon. John Barrett, Director of the Bureau of American Republics, has said that when he was Minister to Siam he found that much of the rice was grown there to feed the millions of Chinese who could not grow it in their own country because the land had dried up after the cutting down of the forests. Not a stick of teakwood could be cut until it was first marked by the Chief Forester of the King of Siam. Thus the conservation policy of Siam is an inestimable boon to the entire world. How much more important co-ordination of conservation is among our nearly half hundred sister states is at once apparent to one who gives even the most casual glance at the vast interchange of commodities dependent upon natural resources. They are commodities that range all the way from wood and iron to water power, hunting, fishing and fresh air. Exhaustion or closing of one source of supply puts increased drains upon the others, and upsets the balance along the whole line.

Wholesale slashing upon private land in the Adirondacks, with consequent rapid exhausting of the timber resources, results in pressure upon the legislature and people to permit lumbering on the state land. Fear of similar wholesale destruction on the state land is responsible for the absolute prohibition of lumbering by the constitution. Accordingly exhaustion of private timber resources and closing those owned by the state means that greater supplies must be drawn from other states. Thus the incentive for cutting

wood in other lumber districts is increased, and these states are injuriously affected by the situation in New York. We have but to turn this argument about and use another state as a starting point to demonstrate the reciprocal injury to New York from the lack of suitable regulation in other states.

In making specific suggestions for greater uniformity in conservation legislation it is proper to begin with the forests. Forestry preceded conservation, as conservation is now understood in its wider bearing. Gifford Pinchot has said that "the first idea of real foresight in connection with natural resources arose in connection with the forest, and that from it sprang the movement which gathered impetus until it resulted in the Conference of Governors at Washington in 1908." Moreover upon the forests are dependent water supply and stream flow, fish, bird and animal life, and in fact the absolute well being of the human race.

First in importance among all forest laws are those for the protection against forest fires. They were the first conservation laws in this country, and in New York state date back to 1788, just after the close of the Revolution. By an act of the legislature in that year firing the forests in any part of the state was prohibited. But in spite of this early beginning, legislation in regard to forest fires in the United States is still far from uniform—very far from being uniformly effective as a preventive of forest fires. A state which has properly dealt with this subject according to present standards must have stringent prohibitions and penalties against negligence, against leaving camp fires burning, against the burning of brush without permit and supervision, against the dropping of sparks by locomotive and stationary engines, against fishing, camping or hunting in times of drought, and against hot air, or fire balloons, and other devices likely to set fire to the forests.

An evidence of lack of uniformity in such legislation came to my notice only a week ago, when I learned of sixty fire balloons that were liberated in a state adjoining New York, in a contest to see which would go the farthest. They sailed forth over wild forest land, to drop no one knew

where. At least one fell in Massachusetts, after passing over a wide forest region in that state. The laws of Massachusetts are strict against these balloons, as are those of New York, yet a neighboring state can bring all this precaution to naught.

In uniform regulations in regard to spark arresters on locomotives there is room for much improvement. Trains run from state to state, and uniformity of legislation and administration in this direction will avoid uncertainty and confusion and lead to far more effective fire prevention.

But the best laws against setting forest fires are ineffective unless they are backed up by other laws to provide machinery for their enforcement, and to create an organization to fight the fires that will break out in the face of all precaution. The old system of voluntary fire wardens is obsolete. We have learned that to our cost in New York. Prior to the disastrous fires in 1908 it was our chief reliance, but in that year it broke down completely. Our fire fighting force now consists of 65 forest rangers, 50 fire observers, and 5 district rangers in charge of as many sections of the forest preserve counties. Their organization is complete and carefully worked out, and they discover a fire and get after it with as little loss of time and waste effort as the efficient force of a city department. They have a fire map, now nearing completion, on which the different types of forest land, whether green timber, slash, old burning, or other kind, is indicated for every acre of the forest preserve counties. Trails, camps, telephones, roads, supplies, and every topographic detail are also shown. With this map as a basis, fire fighting and prevention plans are to be worked out in advance, at conferences between the officials of the Conservation Commission, private land owners and district rangers. In every district schools of instruction for the rangers and observers are to be held. The map will also enable the Superintendent of State Forests to direct the work at any fire, though he may not be able to appear on the ground. These details are pertinent, because that work is necessary for proper protection, and is provided for by legislation. That there is no such uniform system

in all of the states, even in some eastern ones with extensive forests so close to New York that they form practically a unit in water storage and stream preservation, shows one-sided development of this detail of conservation, a detail in which there can be strong co-operation.

A more uniform method of State control over forests should be secured in all of the states where conditions demand protection of the watersheds. In New York state today there are, in the Adirondack and Catskill Parks, which constitute the areas of chief importance to the streams, 3,889,684 acres. Of these there are only 1,823,716 owned by the state, though the land privately owned is equally important. On the state land there is a constitutional prohibition against the cutting of timber. Thus, the preservation of the forest on the state owned land is provided for in the most effective manner. On much of that privately owned the exact opposite prevails. Accordingly, even within our own borders, there is great lack of uniformity in legislation affecting the forest land. The logging on a large part of this private land is destructive beyond all belief of those who have not seen it, and it means the practical loss of the forest in those sections. Until some method of insuring the preservation of privately owned forests, substantially as effectively as the preservation of those state and nationally owned, though far less drastic as to cutting of timber, is worked out, for those localities where forests are vitally important as protectors of watersheds, our forest conservation legislation will be incomplete and but partly effective.

Already lopping of branches is required of private owners in New York. In 1909 twelve thousand acres in the Adirondacks, which was to be stripped by its owners, was condemned to the state, and the forest cover thus preserved. There are indicated two separate procedures, one of them purchase, with condemnation, if necessary; the other, regulation. If the latter is carried further, it will mean limiting the size of trees that may be cut, and otherwise restricting the freedom of action of the owners.



The Court of Error and Appeals of New Jersey has said that, "the state as quasi sovereign and representative of the rights of the public has a standing in court to protect the atmosphere, the water, and the forests within its territory, irrespective of the assent or dissent of the private owners of the land most immediately affected. . . . We are of opinion, further, that the constitutional power of the state to insist that its natural advantages shall remain unimpaired by its citizens is not dependent upon any nice estimate of the extent of present use or speculation as to future needs."

The Supreme Court of Maine put the matter much more squarely when it said that, "the amount of land being incapable of increase, if the owners of large tracts can waste them at will, without state restriction, the state and the people may be hopelessly impoverished and one great purpose of government defeated. We do not think the proposed legislation would operate to 'take' private property within the inhibition of the Constitution. While it might restrict the owner of wild and uncultivated lands in his use of them, might delay his taking some of the product and even thereby might cause him some loss of profit, it would, nevertheless, leave him his lands, their product and increase, untouched, and without diminution of title, estate or quantity. He would still have large measure of control and large opportunity to realize value. He might suffer delay but not deprivation."

While one-half the area considered necessary for preservation of the principal rivers of New York is in private hands, subject to devastation, and much of it actually being devastated, immediate control or purchase is necessary. State control of privately owned forests is very old and well known in Europe, the clearing of forest cover having been prohibited by the Teutons as far back as 1200 A. D. But in this country it has had but limited operation.

It must not be overlooked that the entire necessity for conservation, and the great expense which it entails upon the states, comes from initial private waste. That waste, which is still going on, must be stopped by uniform legislative action along the whole front, before the need becomes

even more acute than at present. Scientific lumbering on private lands must eventually arrive, as it has in Europe, but are we to wait for it until our woodlands, except those state and nationally owned, have been slashed and denuded by ax, fire and erosion until it will take centuries, as in China, to bring back a proper forest growth?

Incentive for further conservation of the forests would result from reorganization of the system of taxation of forest lands, in such a way as to encourage holdings, reforestation, and conservative lumbering.

Our foresting operations in New York are wide spread. This year we are planting over two million trees, covering more than two thousand acres, but there is need for much more.

Interstate co-ordination of measures for the control of stream flow, by building storage reservoirs, is the only effective method of controlling floods on nearly all great rivers, since nearly all of these streams are interstate. The subject is bound up with the question of navigation, and has its federal bearing. It is also closely related to the great problem of hydro-electric development. Here in the generation of electricity from water power we have another instance of the intricate inter-weaving of state interests. The practice of hydro-electric companies is to couple up their various plants into one vast system, for greater efficiency and economy, and this coupling up often extends over many state lines. Storage of water, development of power, and its distribution should be facilitated and controlled by all of the states affected with reference not only to their own rights, but also to the rights of others.

The question of stream pollution becomes interstate wherever a stream crosses a state line, and it raises the whole broad subject of public health. It has its bearing also on the preservation of fish life in those streams. There has been too little co-ordination of state legislation on this point.

In strengthening the laws against destruction of fish and game there is much that can be done. Considerations which determine suitable wild life legislation are largely geographi-

cal in their application. They depend upon conditions of climate and topography to a large extent. On this account we cannot expect the same open and closed seasons and the same regulations in states far distant. We can, however, expect co-ordination of laws, to the end that game will be protected against extermination. The Federal Migratory Bird Law gives such co-ordination of regulation for migratory birds over all parts of the United States. Is it too much to ask of the individual states that they work out their own problems of bird, game and fish protection with reference to those of their neighbors, near or far? We find the game laws of one state totally different from those of another immediately adjoining, where conditions are entirely similar. It is a fact familiar to you all that the fish and game laws are among the most debated subjects in the legislatures, and the ones over which more caprice is manifested, over which more local influence is brought to bear, than over almost any other subject that can arise.

Specific improvement can come in the form of a uniform law against the sale of game, to stop the wholesale slaughter of game for money and make it difficult for market hunters in one jurisdiction to ship game into another in defiance of law. Automatic guns are already prohibited in some of the states, and in many of the provinces of Canada, and should not be allowed in any. It is part of the creed of all true sportsmen to give the game a fair show. With the machine gun automatic our game is being mowed down like mere men in the trenches.

In his authoritative work on "Our Vanishing Wild Life" Dr. William T. Hornaday gives a roll call of all of the states, and a discussion of the legislation most needed in each one. We can do no better than follow his lead, and make careful study of the suggestions there contained, for the purpose of straightening the long, irregular front of game conservation. His conclusions are based on studies of game conditions in the several states, as reported to him by careful observers, and thus have the merit of a unified and consistent point of view.

In New York we are tackling this problem by a careful game census, taken by the 225 game protectors, forest rangers and fire observers, who are constantly in the field in the discharge of their regular duties, and who are now required to make periodic reports of the game conditions observed in their districts. They report on predatory animals, including the destructive common cat, as well as on game birds and animals, and thus we are getting a line on the natural enemies of the game as well as on the game itself. This will serve as a basis for scientific recommendations to the legislature. It is the only sensible basis of game legislation, and should be adopted generally in other states. We need an inventory of our game as well as of our other resources.

A similar study of fishing waters is being instituted by the Conservation Commissioner, and special methods of treatment are to be worked out for the individual waters. Too little attention has been given to this phase of fish planting in many of the states, with the result that much of the work has been wasted. The plan is to make the work of planting fish intensive. Though simple in its elements, the practice of fish planting requires expert knowledge and attention.

New York already spends over \$75,000 each year in the work of fish hatching and distribution. For this the fishermen pay nothing. Hunters, however, are required to take out a license which costs \$1.10. Idaho, Montana, Nevada, Oregon, Utah and Vermont now require fishing licenses for both residents and nonresidents, and six others require licenses for nonresidents, but not for residents. Hunting licenses have become practically universal, and there seems to be no sufficient reason why fishing licenses should not come into equally general acceptance. They are popular in the states where now in force, according to reports of the fish and game departments of those states, and furnish funds for further propagation and distribution.

Game and bird refuges in all states are admitted by all conservationists to be of vital importance in the preservation of our fast vanishing birds and game. The national govern-

ment has established more than sixty, particularly in the far west, and similar areas could easily be set apart by all of the states.

Uniformity of education regarding conservation problems, and particularly regarding forest fires, should be the special concern of every state. The impulse to conservation thus given will carry far. But particularly important are the results to be expected in the prevention of fires. The summer fraternity know no state lines. In our Adirondack Mountains we receive thousands from every state in the Union. Among our own citizens we carry on a constant campaign of education about fire prevention and protection of wild life. But how about those who come to us, who are in our forests before we can reach them? It is the duty of every state to every other, as well as to itself, to see that the propaganda of conservation is carried constantly to its citizens. The work must extend to hunters and fishermen, farmers, lumbermen, and every special interest, and should be conducted in such a way as to arouse their active and enthusiastic support. Much more can be done by appealing to the real sportsmen, until the prevention of forest fires has become one of their genuine interests, than by threatening them with the club of the law. Conservation Commissioner Pratt, in New York, has made his contributions in verses, which are being printed on a card decorated in colors and will be distributed widely among fishermen and hunters throughout the state. They are as follows:

“Only a man in a forest green,  
Only a match that was dropped unseen,  
Only a flame—some leaves and wood,  
And only a waste where the forest stood.”

Companion pictures, called Care and Carelessness, painted by a well known artist, show a party putting out their camp fire before leaving, and the desolation that results from neglect of this precaution. Commissioner Pratt is having them reproduced by lithography as large posters. Both the card with the verses and these posters are very artistic and striking, and cannot fail to drive home their message.

Now, gentlemen, of course the state of New York realizes that some of its best natural wonders—I speak with some hesitation having recently come from the great West where perhaps the natural wonders which were offered to our people exceed anything that can be offered in the East, but we realize that the torrents of Niagara and the waving forests to the north, belong as much to the people of the nation as to the people of the state. But New York does make its appeal to those who are coming to us by the thousands year after year, and to the states that border upon our line to assist in preserving for all time those natural beauties and wonders which have been given to us to guard and protect, and to save for all the people of the land.

GOVERNOR WALSH—Mr. Chairman, there is a further announcement before adjournment. First of all there is a state reviewing stand being built in front of the State House to which are invited all the ladies who are accompanying the Governors and such Governors as do not desire to ride in the parade tomorrow, and the secretaries of the Governors or military aides who do not desire to ride in the parade. Those tickets are limited and restricted and can be obtained from one of my secretaries on the boat, the “Wyoming”, as we go down the harbor this afternoon. It is earnestly desired that every Governor shall be in the party tomorrow. Arrangements have been made to give each state a special automobile with a flag designating the state which the Governor comes from. But application should be made at once, this afternoon for tickets for any persons whom the Governors desire to sit on the state reviewing stand.

We are to shortly adjourn and to take automobiles and to drive to the Charlestown Navy Yard where we are to become the guest of Secretary of the Navy Daniels upon the battleship “Wyoming” and proceed to the North Shore of Massachusetts. I hope that every Governor here will be able to take that trip, and we are to be accompanied on that trip by all of the friends of the Governors who are here.

Governor Spry and myself, representing the executive committee of Governors, have arranged to have one or more

papers read this afternoon upon the battleship at a brief session. Governor Gilchrist has prepared a paper which was omitted by accident from the printed program, and we are desirous that he should be given an opportunity to present that paper and there are some other executive matters which I think it may be well for the Governors to consider for a brief time when we are on the battleship "Wyoming". As the sail will last from four to five hours there will be ample opportunity. I therefore suggest, Mr. Chairman, that we now adjourn and take automobiles and proceed to the Charlestown Navy Yard. Also that the discussion of this paper be taken up when the other papers on "Conservation" are presented. The automobiles are in the archway in the rear of the executive department, and not in front of the State House.

(Noon recess.)

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## AFTERNOON SESSION

### ON BOARD THE U. S. S. "WYOMING".

The Governors and their guests were entertained by the Secretary of the Navy on board the U. S. S. "Wyoming", the flagship of the Atlantic fleet, and following luncheon and maneuvers of the fleet, the Conference convened in the cabin of Admiral Fletcher for a brief session.

Governor Walsh, presiding, called attention to the invitations which had been received from the city of Portland, Maine, and other cities for the Governors to visit those places at the close of the Conference, and upon motion of Governor Dunne, duly seconded, it was voted, "That the secretary of the Conference be instructed to convey the thanks and appreciation of this Conference for the invitations extended by the various cities and states in New England, and that we express our regret that we are unable to accept; but that if it is found possible by individual Gov-

ernors to accept the courtesies extended, each Governor will act for himself."

Upon motion duly made and seconded the Conference voted that a committee of three be appointed to express in behalf of the Conference its thanks and appreciation to the Secretary of the Navy for the entertainment tendered to the Conference on board the U. S. S. "Wyoming", and that the committee perform a like duty to Admiral Fletcher for his courtesy and kindness.

The presiding officer appointed as such committee, Governors Whitman, Goldsborough and Dunne to perform that duty for the Conference.

Announcements were made with respect to other entertainments, and with regard to the military parade to be held on the following day.

GOVERNOR DUNNE—Before we adjourn I think it is very proper that this meeting of Governors should express their appreciation of the very superb hospitality extended by Governor Walsh and by the Boston committee which has had this matter in charge and the people of Boston and Massachusetts. I therefore move that a committee of three be appointed to draft resolutions expressing the appreciation of the members for the very superb entertainment and hospitality which has been shown to the visiting Governors.

(The question was put by Governor Dunne and the motion was agreed to.)

GOVERNOR DUNNE—I will appoint as such committee, Governor Dix, Governor Fort and Governor Byrne, who will draft the resolutions.

GOVERNOR WALSH—It seemed, Governors, that perhaps the most appropriate way of showing our appreciation for the courtesy that has been extended to us by Secretary Daniels and Admiral Fletcher was to have a member of the committee of three whom you have just named, in the presence of all of you, give evidence to these gentlemen of our appreciation of his courtesy. I have therefore sent for Secretary Daniels and Admiral Fletcher, who will be here in a moment.



(The Conference greeted Secretary Daniels and Admiral Fletcher with loud applause as they entered the cabin.)

GOVERNOR WALSH—In your absence, Mr. Secretary and Admiral Fletcher, the Governors have been in conference, and have passed certain votes expressing their appreciation and approval of this treat which you have given us today, and Governor Whitman, Governor Dunne, and Governor Goldsborough have been appointed a committee to draft suitable resolutions of appreciation. But when they met they felt that you deserved not only appreciation, but our expression direct to you of our appreciation, and I will now ask Governor Whitman to express the appreciation of all of us.

GOVERNOR WHITMAN—Mr. Secretary, I do not propose to acquit myself of a speech, but it is a great pleasure for me on behalf of the Conference, all of us, and on behalf of our families—and all of us love to say—the great states which we individually represent, to express our appreciation and our gratitude to you for ourselves, our people, and our states, for this splendid exhibition, this entertainment, and your hospitality which we appreciate more than we can tell you.

While of course we feel a great pride in the individual states which we represent, they are but a part of the great nation over one department of which you preside, and as we go to our homes we shall carry with us the fondest recollections of the entertainment which we have had today, and of the hospitality which we have enjoyed at the hands of the great Navy and every man in it.

GOVERNOR GOLDSBOROUGH—In behalf of the Governors, I simply rise to second the motion of the Governor of New York, and to say that comparisons of events are invidious and I would not compare the event of today with the event of tomorrow; but I am sure that the Governors are unanimous in the opinion that today will be the crowing day of the Governors' Conference in Boston. I feel very close to the Navy, having come from a naval family myself and every man I know can hold his head high when the Navy is spoken of.

You have given us a great treat today, and I hope that we may by this resolution be able to manifest to you in some small degree our appreciation of your many kindnesses.

(The question was put and the motion was agreed to, by a rising vote, unanimously.)

HON. JOSEPHUS DANIELS, Secretary of the Navy—Governor Walsh, and gentlemen, I feel that we are making new records in these days. The Navy must abide in the heart of the whole country if it is to be strong and powerful and is to grow. We name our ships after States, and we look to the people of all the Commonwealths to say how large the navy shall be.

It is not for Admiral Fletcher, nor the able officers and men under him, it is not for the Secretary of the Navy, it is not for the President or the Congress to determine what size navy we shall have in America. It is for the people, and when Governor Walsh with his accustomed modesty asked me to send a battleship to Boston to be present at the Conference of Governors, my answer to him was that we would not send a battleship but we would send all the battleships we had in New England waters.

And I am most happy that you have had the opportunity to see for yourselves that we have a navy of which your country is justly proud.

You have seen this splendid ship, the equal of any ship at the date of its construction, in the world. And you have seen the other splendid ships, and you have seen what kind of navy we have. I believe we ought to increase this navy steadily so that in time of stress and emergency the real first, strong right arm of our country will be ready to defend our country if it is attacked from any quarter. And I know that you, gentlemen, as you go to your homes will speak the word that will tell how fast we shall construct our navy and how large it shall be, leaving to the experts the types of ships and the size of munitions.

I believe this is the first time that the Governors of our country have honored us with their presence on a battleship, to see the maneuvers, and to take cognizance of what is being done. Gentlemen, the greatest things that the

Navy is doing are never heralded in the press. However, since the war began in Europe there is not an officer in the Navy, in our ordnance shops, in our powder factories, in the various instrumentalities which make our Navy stronger, that has not been taking advantage of everything learned in this way and experiments day and night calling for wisdom and judgment are carried out, so that your Navy today in every element has no superior in the world.

But we have superiors in size. We have superiors in numbers in the fleet, and it is for us to continually strengthen our Navy, for it is in Iowa and in Vermont—I name those two states because they typify America away from the coast,—it is in the states of the interior that our Navy must be supported and must be helped if it is to be worthy of our great country.

I am proud of the privilege of being with you today, of having been with the Governors, the elect of the Union. A mere Cabinet officer holds his place by appointment. I have been called “Governor” and I take it the highest compliment that could be paid to me—except to be called “Admiral”.

GOVERNOR DUNNE—Admiral Fletcher, it is also the unanimous desire that not only the Secretary of the Navy but that you and the officers of the ships be personally thanked for the very splendid exhibition of the American Navy that you have given us on this fortunate day. You have shown not only zeal but a desire to second in every possible way the desires of your chief in entertaining the Governors and giving them an exhibition of what the American Navy is, and we feel that the same zeal, the same tactics which you have shown in time of peace will enable you to command your fleet with the same skill, the same practical strategy which you have so well manifested today, and with that bravery which has always been characteristic of the officers and men of our navy.

GOVERNOR WALSH—It has been moved that a rising vote of thanks be extended to the Hero of Vera Cruz, Admiral Fletcher.

(The question was put and the motion was agreed to unanimously, by rising vote.)

ADMIRAL FLETCHER—I thank you for your vote of confidence. On behalf of the Navy and of the officers of the “Wyoming” particularly we are very pleased to welcome you on board the naval vessels and to show you at least to some extent how the navy is conducted and what it is like.

This is a small part of the navy as a whole, representing a limited number of battleships and most of our destroyers, but you have seen in a general way how they operate together at sea.

You, gentlemen, come from all parts of the United States, you represent every state in the Union, and for that reason you are doubly welcome on board this ship. We are glad to have the opportunity of showing it to so many people who are truly representative of the whole country. The officers on board and the men on board come from nearly every state in the Union, and this navy is representative not of any particular section of our country, not of the coast states or of the interior, but the whole United States; and for that reason you are very welcome and we are glad to extend to you every opportunity to see so much as you can of the navy.

Thereupon the Conference was adjourned to be resumed in the Senate Chamber at Boston on Thursday, August 26, 1915, at 10 A. M.

## THIRD DAY

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AUGUST 26, 1915.

The sessions of the Conference of Governors were resumed on Thursday morning, August 26, 1915, at 10 A. M., in the Senate Chamber, Boston, Mass.

GOVERNOR WALSH—Will you come to order, please? About half past 12 o'clock automobiles will be waiting to take the Governors to the Engineers' Club where lunch is to be served. The Engineers' Club is the point from which the parade starts and as the Governors ought to be escorted by the whole state militia they will not have to take their automobiles until about 2 o'clock so that while the parade is organizing and starting the Governors can be having their lunch, and about 2 o'clock they will be taken to their automobiles and take their position in the parade.

The parade will extend over four miles and will probably be two hours or more in passing a given point. At the present time there have not been any arrangements made for the Ex-Governors to ride in the parade. They are welcome and it will be a pleasure to see that they are given the opportunity if desired, and they can follow in one of the machines after the machines which contain the present Governors of various states.

It is my pleasure this morning to request and to invite a New England governor to preside over our deliberations, one of the new and latest governors of New England, who is governor of a state which is a neighbor of the state of Massachusetts, and I take great pleasure in presenting as the presiding officer of this morning's session Governor Spaulding of New Hampshire.

GOVERNOR SPAULDING (Presiding)—Governors of the Conference, I wish to thank the executive committee for this honor. I know of no better way of indicating to you my appreciation for the honor than to immediately commence on our program.

The subject that we have before us this morning is "Abolition of Capital Punishment". It is a subject in which I am deeply interested personally; I know all of you are. I will now call upon Governor George W. P. Hunt, of Arizona.

### "THE ABOLITION OF CAPITAL PUNISHMENT"

GOVERNOR GEO. W. P. HUNT.

Mr. Chairman and Fellow-Governors:

It would be thoughtless and ungrateful for me to fail, on this occasion, in the expression of my profound appreciation of the opportunity afforded me for presenting to this conference a paper upon a subject which has long been uppermost among both moral and political issues in the State that has been my home for the past thirty-five years.

It is, moreover, apropos that, in vouchsafing assurance of my deep appreciation of the honor shown me by this Conference of States' Executives, I should declare myself aware of the very thoughtful scrutiny and reflection which all of you as public officials and students of civil government have given to the moral and political problems of the age, and that I should accordingly disclaim any hope of advancing much, if anything, that is new and striking concerning a question that has been long discussed in the public's forum throughout these United States.

The most that I may reasonably hope to do is to lay before you in fairly logical sequence the commoner arguments for and against the death penalty, drawing somewhat upon my comparatively brief experience with this momentous problem, and thereby provide a little food for thought, considerable room for discussion, and perhaps provoke such general

expression of opinion as may at least clear away some of the dense murkiness that has for decades enveloped the true features of a moral ogre so repulsive and disquieting as to have driven many citizens to seek sanctuary in an apathy so completely fortified by tradition and prejudice as to be almost opaque to either shafts of wisdom or the effulgent rays of modern Christianity bringing a truly marvelous civilization in its wake.

In reading the history of crime and punishment, and observing the application of latterday penalties for infractions of the law, it becomes apparent that the whole trend of civilization is away from superstition and brutality toward humane, commonsense methods of judging and correcting offenders, thereby proving unmistakably that in this as in other human affairs the inexorable law of evolution is operating for the betterment of mankind.

For centuries past, cruelties, mutilations and degradations devised with a degree of ingenuity that might surely have been put to better usage have marked the methods adopted by authorities for the so-called punishment of criminals and the ostensible protection of society against those hapless creatures who possess anti-social tendencies or are simply weak, vacillating souls driven hither and thither like straws in a trade-wind by every chance gust of adversity until finally they come to either the penitentiary or the gallows.

After all these successive epochs of egregious errors in dealing with our weaker brethren, is it not time to call a halt in the succession of bloody orgies and senseless severities, to ponder upon the results and meditate upon the futility of browbeating men to make them good and orderly rather than to lead them through such courses of kindly but firm correction as will save their souls and put an end to their wrongdoing against their fellows? In brief, when our penal system is a proven failure, isn't it time for a new dispensation?

How truly has Bulwer reminded us that, "Society has erected the gallows at the end of the lane instead of guideposts and direction boards at the beginning!" Why then, being intelligent men, should we not reason together as to

the best means of so marking, posting and proscribing the lane that now ends at the gibbet or the electric chair that those unfortunate individuals, who are moving post-haste to their own destruction, may be guided into byways of service and self-betterment?

And having so reasoned together and reached some practical conclusions concerning the errors of those who have preceded us in endeavoring to protect society and reform the vicious, does it not become our bounden duty to so disseminate among all mankind the gospel of human redemption that intelligence may supersede bigotry, and earnest teaching of deficient offenders become the resortment in place of unreasonable cruelty and persistent degradation? Wendell Phillips, the most illustrious son of this city in which we today are assembled, forecasted the way of individual service for every official whose voice, on being raised, commands attention, when he averred: "To get men to listen is half the battle, and the hardest half, in all reforms."

Not that I have any misgivings regarding that ultima thule whither the sure process of evolution, as applied to all earthly institutions and methods, is carrying humankind. Obeying only the laws of our own natures, heeding only the commonest mandates laid upon us by a wise Creator, we of this earth must eventually arrive at that destination where all mysteries shall be dispelled, where the riddle of the universe shall find its answer, and where the lineaments of true charity and humanity shall be disclosed to mortal view. In that day of universal achievement, we shall have attained every worthy goal toward which we are now striving and have conquered every adverse element which visits misery and woe upon the children of a just and kindly God. And, believe me, gentlemen, in that day of consummate enlightenment, human beings will have ceased to kill their brother for his faults, and will have abnegated that temerity which presumes to take away that which it can neither give nor restore.

There are those—a very considerable number—who would rise at this juncture, to deny that the Author of the Universe, the Divine Artisan of the whole world of Nature,



ever forbade the practice of capital punishment, and there are some—a number not so inconsiderable—who will go further by asseverating that the penalty of death for the crime of murder is an ordinance having the sanction of divinity.

Preliminary to entering upon the actual discussion of this question of theology, we may profitably retrace the steps by which mankind has emerged, as we are pleased to say, from darkness into light, and has acquired that degree of civilization, which decries most of the brutalities common to our remote ancestors, but still clings tenaciously to that single revolting remnant of barbarity which consists in hanging one's fellowman by the neck until he is dead! Perhaps in so harking back to those far distant times when old Mother Earth encradled only a handful of her human children, we may reach a point in history where a certain shadowy doubt of serious proportions hovered over man's interpretation of divine commands, when he imputed to the Creator the paradoxical traits of loving one's enemies, but of sanctioning the deliberate killing of our fellow-creatures when they err against the laws of humankind.

Although it is, at first thought, inconceivable that anyone in this enlightened age would draw upon the Old Testament, which is quite generally regarded as a purely historical narrative of ancient times, for authority to legally kill, it is, nevertheless, true that many people quote, as a source of justification, that portion of the Mosaic law which decrees "an eye for an eye and a tooth for a tooth," despite the fact that a literal carrying out of this mandate would bring upon our Nation the anathemas of the world, and notwithstanding the further truth that the Son of God expressly abrogated such barbarity, in the direction: "Ye have heard it said 'an eye for an eye and a tooth for a tooth,' but I say unto you, love your enemies and pray for them that despitefully use you."

Still other well-meaning people, exhibiting more misdirected fervor than true religious principle, seize upon the sixth verse of the ninth chapter of Genesis and glibly quote, "Whoso sheddeth man's blood, by man shall his blood be

shed." It may truthfully be said that upon this verse rests the whole argument of those protagonists who feel it necessary to quote Scripture to cover the misdeeds of humanity, and whose moral consciousness, unless reinforced by the Holy Writ, does not warn them unmistakably against the sins of savagery. Nowhere else in the Bible is there found anything which can, with any semblance of reason, be construed to authorize capital punishment, all of which goes to show that when men desire justification for a certain course of conduct, they often go far afield in search of it.

As a matter of fact is it not worthy of consideration that the passage of Scripture just quoted is exceedingly equivocal and amenable to several interpretations? For my own part, I believe with recognized authorities that it is merely a prophetic warning wherein the word "will" could have been used interchangeably with "shall" as was frequently done in both ancient and modern times. Thus interpreted, the passage would mean that such is the nature of man and his earthly environment that he who lives by violence is likely, as they say in the West, "to die with his boots on." Another reasonable contention is that the whole covenant of which this quotation is a part, relates to food, so that this utterance, which is accepted by some as an exhortation to kill, becomes solely an admonition against cannibalism. It is furthermore worth while to reflect that the highest authorities on biblical translations concede that prior to the fifth century no version of the Bible contained the words, "by man." Thus it is conclusively proven that the so-called scriptural direction to kill the murderer has had two of its most important words interpolated by men.

If, however, we accept in a supposititious way the argument of those people who still contend that "Whoso sheddeth man's blood, by man shall his blood be shed," is mandatory, then to be consistent, we must admit that all other passages of Scripture similarly worded are equally mandatory. For example, "All they that take the sword shall perish with the sword"; "Whoso diggeth a pit shall fall therein"; and, "Bloody and deceitful men shall not live out half their days." If all these passages are commands, then let us

hasten to concede that justice and reason have departed from the earth, leaving the multifarious affairs of mankind to be conducted by rule and rote and untempered by mercy or common sense.

Now, with the view of giving permanent quiescence to that biblical shibboleth by which certain well-intentioned but deluded individuals endeavor to make the Creator a party to man's brutish perversity, we may profitably dwell for a moment upon God's own treatment of those early chroniclers and rulers who "shed man's blood." Straightway, we learn that Cain, after slaying his brother, was merely sent into a far country. Moses, a murderer and inspirational writer, continued in high favor with the Almighty. David, likewise a murderer, died not from the "shedding of his blood" by a government intent upon retribution, but became deceased in a perfectly natural way after a long life filled with riches and honors. And so it was with many other characters who were given a prominent place in biblical history, notwithstanding the fact that they had "shed man's blood." Surely we should not attribute to the Most High the issuance of an absolute command which was so flagrantly disregarded by his chosen followers and human instruments.

And, moreover, by that same covenant, which is held by some professed Christians to sanction the exercise of capital punishment, every Gentile is explicitly commanded to "eat no blood"; yet there is occasion to observe that notwithstanding this biblical command, even when coupled with the high prices of beef, the eating of rare and juicy steaks is a very prevalent habit in this country, and for that matter, in every Gentile country on the face of the earth.

But to continue our retracement of the evolution of penalties for crime, it is found that, under the much vaunted Mosaic law, the nearest of kin to the victim of the assassin became an "avenger of blood" whose privilege—nay, whose duty it was to visit swift and sure retribution upon the murderer. But in course of time, courts of law were established, and then it was that the crude and primitive recourse of having this avenger slake his own and the public's thirst

for vengeance was modified by an agreement that if the infuriated relative would submit his case to arbitrament, the government, through its courts and legal minions, would thereupon undertake the proving of guilt and the infliction of penalties. These penalties however, related not solely to the crime of murder, but likewise to numerous lesser offenses. Thus it came about that avenging by the individual was gradually declared to be in disfavor, and finally illegal, but contemporaneously, the governments of man, that is to say, society as a whole, decided to take over from the private citizen the execution of decrees of death against its members.

For a number of centuries the most highly organized governments of the world proceeded upon the theory that severity of punishment would prevent offenses against the public welfare. As recently as 1780, the Penal Code of England, a nation presumed to be in the vanguard of progress, embraced 240 capital offenses ranging from the destruction of a growing tree to the maximum crime of treasom. In 1846 no less than 160 of these capital crimes were still retained as a part of the law of the land from which our own enlightened America has sprung into being.

It fell to the lot of Henry, the eighth, to carry the infliction of these disproportionate penalties to the nth power. Proceeding upon the olden theory that the effect of brutal executions was to diminish transgressions, he sent approximately seventy-two thousand people to the gibbet during his brief reign of twenty years. Poachers, pig-stealers and murderers alike went with short shrift to the scaffold. At the end, however, of this veritable reign of terror, the best proof of the assertion that this wantonly blood-thirsty monarch had a lot to learn about criminals was afforded by the fact that contrary to what had been expected, crime increased in a measure that was surprising. Had that feather-brained ruler of the country, which historical chroniclers with a well developed sense of irony, have termed "Merrie England", been a student and moralist capable of framing axioms based upon experience, he could have announced to the world, even though it refused to listen,

that using the gallows or the guillotine to subtract offenders from the social whole serves mainly to multiply offenses against the law.

It appears however that a glimmering of this truth found its way into the social consciousness, for during the past eighty-five years the number of capital crimes in England has decreased from 160 to only four. Evolution rather than involution is evidently at work in the realm of criminology. It follows consequently that those of us who are now so widely designated as hare-brained theorists, maudlin sentimentalists, rainbow chasers and mollycoddlers of criminals may take sweet unction to our souls by anticipating that after we have been a long time dead, we may come into a legacy of posthumous praise by having those expressive epithets expunged from our headstones and biographies.

Although in times comparatively recent, increased educational facilities, public opinion resultant therefrom, and other humanizing factors have served greatly to ameliorate man's treatment of his brother who has erred, some governments of both hemispheres, as though some tangible monument to the ignorance, and brutality of primitive and medieval ages must be preserved, have steadfastly retained their tenure upon that last outpost of traditional cruelty and bigotry, capital punishment.

While in this address, I have no disposition to dwell exhaustively upon such statistical data as are commonly marshalled to the defenses of the death penalty, I may, nevertheless, review in a cursory way the manner of reasoning upon which the advocates of legal executions rest their case.

The average supporter of the death penalty, it is fair to say, is convinced to his own satisfaction that the destruction of the murderer effectually protects society against his further depredations, inflicts a punishment proportionate to the crime, and serves as a deterrent to potential assassins.

With the first of these three contentions we must necessarily be in complete accord, for nothing is more self-evident than that a dead man does no further injury either to himself or others.

To the second argument, namely that of fitting the punishment to the crime, I must demur on the ground that when carefully analyzed, it amounts to nothing more nor less than summary vengeance, a factor in penology which no truly civilized government is prepared to admit. Theoretically the law's operation to destroy a murderer is impartial, impersonal and automatic. The decree is that the killer must be executed in order that law abiding citizens may not be killed. This, mind you, is theory. But the actual application of the death penalty is widely at variance with academic premises and conclusions relating to crime and punishment. It is, indeed, the actualities of everyday life rather than the exalted and elaborately drawn theories of cloistered students that are useful in differentiating between right and wrong, between the practical and the worthless.

Theories of government to the contrary notwithstanding, it is a fact that the populace of any nation or state, which authorizes capital punishment, regards the penalty as a form of vengeance visited upon a hapless wretch who has committed a heinous crime, the victims of which must be avenged. On every street corner and at every fireside where the highly erudite do not foregather, and, alas, in many places where education has exerted its benign influence, are heard such verbal execrations as, "Lynch him," "String him up," "Hanging's too good for him," during the progress of every murder trial in which the defendant is not someone who has so resorted to the spectacular as to obtain a hold upon the popular fancy.

Do these ejaculations illustrate the theory of calmly judicial, impersonal operation of law, or do they exemplify the presence of plain unmitigated desire for revenge in the heart of the public? If the latter, then let us in a single breath confess that so long as the death penalty remains in our statutes, our courts and hangmen are avenging furies venting the wrath of so-called civilized nations upon those illfated creatures, who, in so many instances, through lack of sustenance and training for a career of usefulness have fallen into the vortex of crime and thus been irretrievably wronged by society.

What a pleasing spectacle upon which the high minded exponents of modern government may regale themselves! Reflect upon the law in the role of an educator in revenge! Surely any form of punishment, which so keeps alive that which is feral in human nature is to be deplored by every race intent upon its fullest self-realization.

The main argument employed by those who offer a defense of the death penalty is the necessity of deterring others from the commission of crimes of violence. While it is more or less natural that human beings, desirous of insuring the fullest measure of security and happiness for all, should have leaped to the conclusion that a shocking penalty would act as a deterrent, the tragic experiments of the past, in conjunction with the researches of scientists and psychologists in recent years, have not only very thoroughly disproved the contention that drastic punishments prevent crime, but have also strongly indicated that violence in dealing with offenders begets violence in the populace.

If the argument in favor of the death penalty as a deterrent were sound, then to be consistent, governments should hasten to do away with every form of crime by making hanging or electrocution the punishment for each violation of law, however petty or trivial it might be. Thus in a few decades, according to this reasoning, law and order would be almost unfringed and the millennium of morality would be near. How easy this solution of a colossal problem would be, were it not for the disconcerting fact that the premises in which this train of thought had its inception border very closely upon the absurd.

Henry, the eighth, who affords the horrible example in penal reform just as the inveterate drunkard furnishes a concrete illustration to reinforce the exhortings of the temperance lecturer, made an actual application of this facile method of weeding out human perversities for a period of twenty years during which every offense from petit larceny to murder was the occasion for a hanging or beheading, but yet the end of his reign was marked by such prevalence of crime as was never before known in English history. No

better refutation of the shallow sophistry concerning the deterrent effect of severe penalties could be desired.

If, nevertheless, we probe further into the experience of nations and states with death as a penalty, we find that, in most instances where this revolting survival of barbarism has been abolished either by statute or in practice, there has ensued a marked decrease in the number of crimes against the person, or at least no perceptible increase of such offenses unless special and unusual causes were operative.

In our own country, the states of Maine, Michigan, Rhode Island, Wisconsin, Washington, Kansas, Oregon and the two Dakotas have abrogated the practice of capital punishment.

Turning now to foreign countries, capital punishment has not been applied in Belgium since 1863; in Finland since 1824; in Holland since 1860; in Norway since 1876; in Portugal since 1867; in Roumania since 1764 and in Italy since 1888. It was, moreover, abrogated in Egypt for fifty years; in Tuscany for more than twenty-five years; in Russia for twenty years; in India for seven years during the administration of Sir John Mackintosh, and more recently in twenty-two of the twenty-nine cantons of Switzerland. The death penalty no longer maintains in Argentine Republic, Brazil, Venezuela, or in four of the states of Mexico during such brief intervals of peace as are allowed that unhappy Republic. The little Republic of San Marino in the year 1905, coolly declined to enter into negotiations with the United States for the preparation of an extradition treaty on the ground that a country which "preserved such institutions of the middle ages as inflicting the death penalty for murder in the first degree" did not deserve such courtesy!

With this record of foreign enlightenment and experience as a guide, should our own country, which is credited with leading the world in humane civilization, any longer contend that a barbarous penalty, which has been abolished without evil results in many countries, is either necessary or justifiable for the protection of society?

In all arguments upholding the necessity of inflicting death as a penalty for murder great stress is laid upon the fear of death as a factor in staying the hand of the man who would



kill. But is it not true that the average murderer has been rendered desperate and unreasoning from physical or mental causes and, therefore, is not amenable to warning by the prospect of undergoing any punishment however great its severity? If the approach of death is so appalling to men and women who are half crazed by brooding, despair or anger, how, then, are we to account for the thousands of voluntary suicides annually recorded in this country? From many ills and "outrageous slings of fortune" such as commonly beset the so-called criminal element, death, far from being abhorrent, holds welcome surcease of suffering.

In further support of this view, it may be cited that some correspondence which passed between Lords Brougham and Lyndhurst of England some forty years ago embraces the assumption based upon the experience of all the police magistrates of Great Britain "that the idea of terror from example is a delusion and that the expectation of relief from that influence must be abandoned."

The real keynote in the relation of the death penalty to the safety of society was sounded by Rantoul when he said, "The strongest safeguard of life is its sanctity, and this sentiment every execution diminishes."

And even Blackstone possessing a mind circumscribed by somewhat technical, legal considerations, recognized only the Divine Creator as being at once the author of life and the only power justly entitled to determine its final disposition. "Life," said he, "is the immediate gift of God to man, which neither can he resign, nor can it be taken from him." But although lawyers and lawmakers have long regarded Blackstone's writings as the cornerstone of jurisprudence, they have elected, nevertheless, to disregard that part of his work which placed a negation upon man's assertion of right to put his fellowman to death. With the weight of experience and authority undeniably against capital punishment, the persistence of the human race in adhering to the practice must be explained chiefly upon the ground of primordial prejudice and the survival of brutish instinct.

True it is that the proponents of the death penalty bring to the defense of the legal execution still other arguments

than those which have been touched upon in this address. It is argued for example that the right of self-preservation is both primal and inherent in mankind. The original practice in nature of using force to repel force is reverted to by way of justification. It is worth while, however, to reflect that the pursuance of this chain of reasoning to its only logical conclusion brings one to the inference that the primitive, natural state of man is the ideal toward which we are striving. Once this admission is made, then the struggle for the attainment of civilization has been for naught, all man-made conventions for the betterment of the race become greivous errors, and the hand on the dial of human evolution must be turned back some thousands of centuries.

Another consideration, which is but slightly dwelt upon by the people who defend the penalty of death on the ground that it is necessary for the protection of society, is the admitted fact that the conviction of the murderer is rendered difficult in nearly the same ratio as the increase in the severity of the penalty. Multiple illustrations of this truth might be adduced if time permitted, but as we today are assembled in the grand old State of Massachusetts, it is fitting that I should quote from a former Attorney-General of this pioneer Commonwealth, who in a report to the Legislature in the year 1842, when Massachusetts had six capital offenses, expressed his opinion as follows:

"In the present state of society, it is no longer an abstract question whether capital punishment is right, but whether it is practicable; and there is good reason to believe that the punishment of death for crime would more certainly follow the commission if the Legislature would still further abrogate the penalty of death. As the law now stands, its efficacy is mostly in its threatenings; but the terror of trial is diminishing, and the culprit finds his impunity in the severity which it denounces."

Continuing the consideration of the death penalty as a means of insuring society's protection, the degrading effect of the execution upon the peculiar and not fully understood psychology of the race should be carefully weighed. It is my unqualified belief that the average execution kindles the

flame of brute passion in the human heart, sets up an example of organized violence for the great masses of people, and in numerous instances when the trial is widely heralded and the murderer meets death bravely, has the unanticipated effect of idealizing the criminal.

The American people especially make a fetich of brains, cleverness and courage. A murderer may be as culpable as Nero in his moral obliquity, but let him possess a personality capable of appealing to the popular fancy; give him a trial sufficiently spectacular, and straightway in the estimation of thousands he finds ready sympathy or even admiration. Hero-worship, which ordinarily is a very healthful sign in a growing youth, now becomes the bane of civilization for the simple reason that a foul criminal rather than a true hero becomes a martyr, not only in the eyes of Young America, but also, deplorably, in the regard of his elders. In that age, however remote it may be, when crime shall be made absolutely ugly, colorless and forbidding to the populace, then, and not before, will misdeeds reach a minimum.

But if an argument against the death penalty is found in the idealization of a malefactor, into what psychosis or state of mind does the execution of an innocent man throw the general public? Suffice it to say, in the absence of any phraseology equal to the occasion, that its operation against the justification of the death penalty and consequently against the safeguarding of society can scarcely be exaggerated. "A few such instances even in a century" says Livingston, "are sufficient to counteract the best effects that could be derived from example. There is no spectacle that takes such hold upon the feelings as that of an innocent man suffering an unjust sentence. One such example is remembered when twenty of merited punishment are forgotten, the best passions take part against the laws, and arraign their operation as iniquitous and inhuman. This consideration alone, then, if there were no others, would be a most powerful argument for the abolition of capital punishment."

That justice does occasionally miscarry has probably come, through experience, to the knowledge of every governor and judge, not to mention the numerous instances recorded in

the history of governments. It was this fact which led Lafayette, that noble champion of human rights, to exclaim, "I shall ask for the abolition of capital punishment until I have the infallibility of human judgment demonstrated to me."

Had I believed that human judgment and character were infallible, I might have become very indignant in behalf of my State when, recently, I read in the editorial pages of the *Sunset Magazine* that in Arizona the "lives of men have become a political football." Unhappily, however, I was under the necessity of admitting the deplorable truth that politics have played a very considerable part in the concerted endeavor of certain factions to force the disgrace of a wholesale execution upon the young State of Arizona.

But while most people are ready to concede that human judgment is not infallible and that human motives are not always above reproach, the adopted system of defining crimes and fixing penalties apparently leaves both of these platitudes, for the most part, out of the reckoning. Wherein lies the consistency or wisdom of so far ignoring human fallibility as to exact in a statutory way from the weak, the ignorant and the improvident a mode of conduct so exemplary as to be admittedly superhuman, and at the same time fix such a penalty for disobedience as not only utterly destroys the offender but visits disgrace and protracted suffering upon every member of his innocent family. May Providence hasten the day when the misnomer "punishment" shall be wholly stricken from the penal codes, and the more accurate nomenclature of "treatment and correction" shall be used to designate man's dealing with his erring human brother!

By what intuitive method are the men and women, who possess the strength of will required for the resistance of temptation, to penetrate with accuracy of vision and judgment into the mind and spirit of that great inarticulate mass of humanity which has been wronged by its ancestry, denied education by society, and driven by poverty or brooding to desperate acts! And yet it is those of each generation having only a vague sense of the misery, want, ignorance and utter

hoplessness of that vast multitude which society has wronged, and from which the occupants of murderers' row are annually recruited, who in every age are called upon to write the laws and to enforce them. It falls to a few highly erudite people who lack ofttimes a ready understanding of the needs of the lowly and unfortunate to establish in every epoch of civilization the norms or standards of right and wrong, of legality and illegality, and to base thereon a codification of laws. The educated and the trained have founded an industrial order which keeps the highly efficient man keyed to the highest tension, and which, in its heartless haste, forces the men and women of faulty physique, mentality and education into pathways of benumbing toil, degrading squalor and moral deterioration leading sequentially to crime. Then follows in the wake of the offense a penalty both summary and disgraceful, degrading alike the family of the victim and the organized society which tolerates such deliberate brutality.

In the Arizona State Prison are some twelve or fifteen human derelicts who are marked for a shameful death by that same society which denied them early opportunities for healthful growth, education and self-sustenance. Those men have no earthly means, except, perhaps, the few paltry dollars earned by diligence during the chance leisure hours of prison life. None has education worthy of a boy of ten years. The wealthy and the educated with their influence reinforced by shrewd criminal lawyers, have a peculiar predilection for keeping out of death cells. Society, nevertheless, holds *these* men in iron cages pending the time when the executioner, acting in the name of the State, may carry out that order of the Court which has decreed that the majesty of the law must be upheld!

But, Fellow-Governors, even though a Legislature, in its deference to a political hue and cry, adopted an enactment to deprive an Arizona Executive of his constitutional right of reprieve and commutation; even though two members of a State Supreme Court upheld this politically-plumaged enactment in a decision adjudged absurd by competent attorneys; and even though two members of the State Board

of Pardons and Paroles have declared in favor of hurling at least four of these beclouded souls into the great unknowable without invitation from their Maker, no gibbet orgy shall ever be held with my sanction, unless the people of Arizona shall have first declared in unmistakable terms that such is their acknowledged will.

GOVERNOR WALSH—Mr. Chairman, we are honored this morning by a visit to the State House of a distinguished public servant, the Attorney General of the United States, Mr. Gregory. He is on his way to a New England resort and came to pay his respects to the Governor of Massachusetts. I persuaded him to remain a few minutes to come in and meet all the Governors now in conference, and I ask unanimous consent for him to meet the Governors for a minute or two.

GOVERNOR SPAULDING—I am sure we shall all be very glad to meet the Attorney General. Is there any objection? (No objection was made.) Attorney General Gregory was greeted with prolonged applause as he entered the conference room.

GOVERNOR WALSH—I have the honor and pleasure to present to the Governors assembled here the Attorney General of the United States, Mr. Gregory, of Texas.

HONORABLE T. W. GREGORY, ATTORNEY GENERAL OF THE  
UNITED STATES.

Mr. Chairman and Gentlemen: I occupy somewhat the position of the small boy who was fishing on the bank of a stream and fell in, and on being rescued a sympathetic lady said "Sonny, how did you come to fall in?" and he said very indignantly "I didn't come to fall in." And so I didn't come to make a speech.

Somewhat like the small boy, I am on my way to the Maine woods to spend a few weeks with such friends as will stand such association, and between trains dropped in to shake hands with my friend Governor Walsh, and I could not resist his kind invitation to meet you gentlemen and say just a word. It is a time when the National Administration feels keenly that it needs to be in touch with the state organiza-

tions, not in the matter of any political questions, I do not speak in that narrow way at all; but we are confronted today with such broad, far-reaching matters internationally that the National administration feels the need that every state encourage it and it appreciates an expression which shows that in a general way at least its efforts are being appreciated.

I want to express the profound appreciation of the administration for the generous resolution passed by your body a few days ago. It is something which is weighed at its real value. And I say again that at this time we are all American citizens, without regard to states or state lines, when it comes to those broad questions of National policy which confront us at this particular time.

We all know how critical they are. None of us can foresee what lies before us in the future, but it has been a long time in my judgment, in the history of this country since so large and representative a body of the first representatives of so many states without regard to any party line, without regard to any local questions, were willing with the unanimity expressed here to send this message of cheer to the man on whose shoulders after all rests this tremendous burden. For him and for his administration, gentlemen, I wish to extend sincere thanks.

GOVERNOR SPAULDING—The next treat in store for us is a paper on the same subject as that treated by Governor Hunt, "The Abolition of Capital Punishment" by Governor Dunne of Illinois. I take great pleasure in introducing to you the Governor of Illinois.

## **"THE ABOLITION OF CAPITAL PUNISHMENT"**

GOVERNOR EDWARD F. DUNNE OF ILLINOIS.

Mr. Chairman and Fellow Governors: In at least five of the different legislatures of the United States during the past year the question of capital punishment has been vigorously forced to the front. In at least two of the states of the

United States in the past year the legislatures have passed laws abolishing capital punishment. In two of the states an effort was made, in one by the Governor of the state and in the other by prominent men of the legislature, to procure a law abolishing capital punishment, which efforts failed. In one state (Tennessee) during the last year the legislature passed such a law, but it was vetoed by the Governor.

In view of the very active interest being taken by the legislatures of the states of the United States and by the people in general in this very important question, Governor Hunt of Arizona and I have been provoked to the expression of our views, one in the able paper just read,—the other in a paper not so strong which with your kind permission I will now read.

In 1901 there was convicted of murder, in the city of Chicago, one Synon; he was condemned to die.

His case was appealed to the Supreme Court which reversed the lower court, because of objectionable remarks by the trial judge while the accused was on the witness stand.

Synon's second trial was held in the court over which I had, at that time, the honor to preside. He was acquitted after many reputable men had testified that he was four miles from the scene of the crime when it was committed.

This man was saved by a few harsh and prejudicial words of the judge, before whom he was first tried; and thus the errors, upon which he was able to appeal, became the means through which it was possible for him to establish his innocence. Only those words, which the court had committed an error in uttering, stood between him and the death penalty, between justice and the cruel tragedy of which my state would have been guilty.

Only a year or two ago, Ray Pfanschmidt, a young man living near Quincy, in my state, was accused of murdering his father, mother, and sweetheart, and of burning the house over their dead bodies. He was convicted of the murder of his father and sentenced to the gallows. Fortunately, he was able to appeal to the Supreme Court where a new trial



was granted. A change of venue was taken and in another county he was acquitted.

A few days ago, one of our most honored judges, a man who has served our judiciary with splendid efficiency, resigned and retired, I am told, a disappointed and broken hearted man. For nearly twenty years he has carried a growing burden of suspicion that two men he had sentenced to state prison for life were innocent. Twenty-two of the judges of Cook county, including this judge, have stated to me, in writing and by word of mouth, their opinion that these two men were not guilty. The records of the case, viewed in the dispassionate light of to-day, reveal strikingly flimsy evidence on which to convict of murder.

Our legislature this year enacted a law making it possible to parole life men after they have served twenty years; and the first act under this new law was the release of these two men.

What a tragedy! What a stain upon Illinois' name would have been the execution of these two men if they had been sentenced to death. Even the ages could not have removed it.

It was such cases as these that have set me to thinking and investigating and my conscience, reinforced by the results of my inquiries has made me a firm believer that capital punishment is wrong in theory and in act.

Before our last general assembly I urged repeatedly the repeal of our capital punishment code, recommending it in my messages, and pleading for it in person before both houses of the legislature.

The repeal bills failed, but I am quite sure the agitation they stirred up has had a marked and beneficial effect upon the state's conscience and has aroused and formulated a new public opinion. The press and the leaders among men and women engaged in the great humanitarian enterprises of our state rallied to the measure with a wonderfully inspiring spirit.

The principal argument advanced, in support of capital punishment, is that it acts as a deterrent. If I could convince myself that this were true, my views might be different.

If society needed this awful penalty to protect itself, on the theory of self-defence, there might be some force and logic in the argument of those who favor its retention, because society collectively has the same right that a man individually has to protect its life.

I doubt if it ever did deter. I am certain that it does not now deter. On the contrary, all the evidences of history and of statistics are that it never did deter. We find on consulting our history that, in the days when penalties for crime were the most severe, crimes themselves were the most numerous.

In England, in 1699, there was an agitation for penal reforms. At the beginning of the eighteenth century, Pope Clement XI established a juvenile prison. Over its doors appeared these words: "Clement, XI, Supreme Pontiff, reared this prison for the reformation and education of criminal youths and to the end that those who, when idle, have been injurious to the state, might, when better instructed and trained, become useful to society." Inside the prison, printed on a slab, were these words: "It is little use to restrain criminals by punishment unless you reform them by education."

Reforms lagged until 1728, when they were again urged with force. Chancellor Blackstone, in 1765, published his commentaries and laid before the English people the utter folly of awful and extreme penalties. Penal reform in our English system may be said to have begun then.

But even at the opening of the nineteenth century, the English criminal code was excessively rigid and bloody.

Parliament, in March 1816, repealed the death penalty for larceny. At that time, George Barnett, a boy of ten years, under conviction of larceny, was in Newgate prison awaiting execution.

Punishment by death at one time in England could legally be inflicted for more than 200 different offenses. It was a capital offense to pick a man's pocket, to steal five shillings from a shop, to catch and steal a fish, to cut down a tree, to harbor an offender against the excise laws, to steal a sheep, or an ox or a horse, to commit larceny of almost any kind.

Seventy-two thousand thieves were hanged, at the average rate of 2,000 a year, during the reign of Henry VIII. Some offenses at that time were punishable by boiling to death. One morning during the reign of George III, before the rising of the sun, in the city of London, twenty persons were executed for stealing from the person. In the year 1785, ninety-seven persons were executed in London for stealing from a shop to the value of five shillings.

Often the prisons were full of children, many under the age of ten, who had been informed upon for theft.

Neither the old Mosaic theory of retribution and revenge—an eye for an eye and a tooth for a tooth—neither that, nor degradation, whipping, branding, hanging, maiming, chambers of torture, broken bodies on the wheel, bones fractured on the rack, arms and legs suspended with heavy weight attached, the burning of the flesh and the searing of the skin with white hot iron, roasting the human bodies on slow fires, burial alive, tossing of the culprits into a den of wild beasts, pouring molten lead into the ears, placing men's faces upward to the flaming sun, tying by the seaside, so that the drowning would follow the rising tide—all these have been tried and victims to these indescribable horrors have given up their lives by the thousands, and yet criminals did not become extinct, and I believe history will demonstrate that crime increased rather than decreased under these frightful penalties.

I am not going to attempt to support my arguments by elaborate quotations from statistics. There are certain figures, however, which are rather significant, if not conclusive. I refer to the statistics of the Federal Census bureau of 1910, with reference to the effect of the death penalty upon the commission of murder. These statistics show that in twenty-one of the states having the highest number of homicides per capita in the population, there is not a single state that has abolished capital punishment. These twenty-one are those which have enforced the death penalty from the time of their organization. Following these twenty-one states comes three states, Illinois, Maryland, and Kansas, all having the same number per capita of homicides. Of these states,

Kansas has abolished the death penalty; Illinois and Maryland have retained it.

Let us now consider the twenty states which these statistics show to have the lowest number of homicides per capita. *Among these twenty, are all the states but one (Kansas) that have abolished capital punishment.* The Federal statistics, to my mind, show that capital punishment has failed to act as a deterrent, and that in the states where it has been abolished, there is a less per capita of homicides than in those states where it has been retained. Go into Wisconsin, a state which borders upon ours. We, in Illinois, have had capital punishment since we were admitted to the Union, and even while it was a territory, capital punishment was inflicted for murder. Wisconsin abolished this penalty years ago. Yet homicides per capita are almost twice as many in Illinois as in Wisconsin.

Up to 1913, six states had abolished capital punishment, Washington followed in that year. The United States statistics of 1910 show that five of these are among the twenty with the lowest per capita of homicides, each with a percentage less than .08 in each 10,000 of population. The other non-capital punishment state—Kansas—had the same per capita of homicides as Illinois and Maryland, both capital punishment states.

Illinois was disgraced by 651 homicides in 1910, after a century of enforcement of capital punishment, while in Wisconsin, where it had been abolished, the homicides have not been much over fifty per cent, per capita, of those committed in Illinois.

If protection of society, if reformation of the criminal, if segregation of an anti-social element of our population, if either of these is the end or all of them are desired, then the separation from society of our criminals in decent, humane, wholesome and Christian surroundings, will accomplish all that we, as children of one Father, have a right to accomplish. He has not delegated to us further power or right over our fellows. The Holy Scriptures, so often quoted in support of retribution, commands the human race not to kill.

If it is wrong for one man to kill another, if it is a crime for three men to kill one man, or for a dozen men to kill one man, if it is a crime for one man to rape, is it not equally criminal for twenty men to kill one man or to commit this other unmentionable crime? The increase in number of participants and their organized embodiment, do not make it right or a virtue for them to kill or to rape.

Christianity long ago revoked the doctrine of a tooth for a tooth, and an eye for an eye. Christ prayed the Father, as He saw the thief hanging by His side: "Father, forgive them, for they know not what they do." Christ himself was suffering the lingering tortures of death at the hands of passion and fury. He did not seek the destruction of those who were murdering Him and the thief by His side, but He prayed that they should see and know God's truth.

Verily, God Himself has reserved to Himself the final penalty for the sins of His children.

Criminals have been divided into three classes: first, the instinctive criminal; second, the habitual criminal; third, the occasional or single offender.

The instinctive criminal cannot adjust himself to orderly and regulated environment. He is anti-social and alien in all his attributes, and is incapable, by reason of physical, mental or moral deficiencies, the nature of which we do not fully understand, of getting out of a bad into a good environment or of improvement by training or education. Such men we have no more right to murder than we have to kill off the insane, the feeble-minded, the tuberculous, and others whose presence among us entails upon us responsibilities and financial burden.

The habitual criminal—the criminal by acquired habit—has developed out of environment and the social status in which he finds himself. Many of our crimes against both the person and property are the results of social mal-adjustments and conditions for whose existence society itself is solely to blame. Society has no right to the exercise of retribution—to the life of the offender—when it has denied him his natural and inalienable rights and, in fact, has compelled him to

exist and develop in the midst of pinching poverty, degrading squalor and degenerating contaminations.

Some of the most frightful of the crimes by juveniles in our great cities may be traced directly to an environment which could not be expected to produce anything but the very worst.

Society itself becomes criminal when it seeks, by violence and the blood of its victims, to right a wrong committed against it by such product of its own neglect. For this class we cannot conceive of execution performing any function. The hanging of hundreds or thousands of them, even the massacre of their young, would not decrease the crime that springs from the slums and the tenements, so long as the slums remain under the tolerance of an intelligent society.

The third class includes the occasional or single offender—the normal individual, who, through the stress of circumstances or force of temptation, or the unreasoning and unthinking pressure of passion, commits an evil deed. For him reformation is probable. He may be made a useful citizen, and society benefited by sparing his life.

Among the first and third classes there is no serious premeditation on the outcome of their acts. The first class commit crime because they cannot help it. Frequently they make little or no effort to conceal their tracks. They exhibit a certain form of precaution which is inherent in the instinct of self-preservation, and not the intelligent mental systematization of concealment or alibi. The third class commit crime during stress or in passion, consequently they are not in a frame of mind to apprehend the effects of their conduct. The penalty, no matter how great or how severe, would deter neither of these types.

The other class—the habitual criminal, has probably tasted punishment, but notwithstanding how much has been inflicted upon him, he continues to return to his old ways, because society affords him no other. Consequently, the penalty has not deterred him. Punishment will not cure him, nor will it prevent, nor even retard others of his type from entering upon a like career.

So we are thrown back upon our only right and duty—that of protecting ourselves and society by a process of segregation, both of those who commit crime and of those who, under our modern scientific light, we are able to predict almost to a certainty will commit crime.

Another evidence that execution is not effective is afforded in the records of lynching and mob violence. Whether these have occurred in the north or in the south, they have not had any appreciable influence in reducing crime of the character which aroused public fury. Lynchings and burnings at the stake are but too common to-day.

What community has profited by a reduction in crime following a lynching?

Punishment for political or religious belief has never hindered its progress. Christianity did not cease its remarkable strides because its early believers were thrown to the lions or were made torches to illuminate a Nero's festival; nor has political liberty been throttled by the execution of reformers. Fear of death has not halted the plans or dimmed the faith of good men who understood the consequences of their course. Why, then, should it affect men of evil minds who know nothing but evil and do it as naturally as good men do good?

My point is simply this, that in no age and among no people does history record that threat or danger of death have stopped men or women, bent on the accomplishment of some purpose; whether it has been good or bad, the conservation of human happiness and life or its wanton destruction. They have assumed all the chances and when they have failed, they have gone to their execution unflinching. This has been as true of the murderer as of the martyr.

Psychologists are trying to unfold to us the mysteries of what they call the subconsciousness. The operations of our imitative and imaginative spheres, we now fall back upon to explain, in a way, many things which heretofore have baffled solution.

We frequently remark that crime goes in waves and suicides by epidemics. Even epilepsy is said to contain an element of imitation and habit; for in a class of these un-

fortunates, seizure, in one, will often be followed by seizures in many or all of them. There is contagion of noise, of restlessness and disturbance, just as there is contagion of disease. It sweeps from individual to individual and soon sways a mob.

Who can say that an exhibition of mob passion and violence, in which property has been destroyed and life has been taken, has not irreparably damaged the whole community? Those of us who have studied a mob have been struck by its personal appeal, and we have seen one after another drawn into the vortex and taking part in the destruction without cause or reason. We have seen the mob spirit intensified and inflamed beyond expectation of control by the first deed of murder. Like the animal who becomes ferocious when he tastes blood, so the human, when aroused, becomes an unrestrained brute at the sight of blood. Men who watched the riots of a few years ago in the Capital of our state have told me that not until the first life had been sacrificed, did the mob lose all restraint and enter upon a wholesale, extended and unreasoning debauch of fire and murder, which could not be stopped, except by great show of military power.

Of a similar type—perhaps invisible—are the effects of a legal execution upon the community. Its first and most debasing influence is upon those who witness it. The crowd about the scaffold is more fearful to contemplate than the struggles of the human wretch dangling to the rope. The morbid crowds, that stand without, compensate the absence of vision by stimulated mental pictures and imaginings which are equally degrading. The whole city for weeks feels a depression that is, in the last analysis, a humiliation and remorse.

Too much importance cannot be attached to the argument that the capital punishment law operates against justice. How many murderers go free because juries will not inflict the death penalty, though they have sworn to follow the evidence and the law and have declared themselves not to be opposed to it?



While it is true that the accused is entitled to his liberty, if there is doubt as to his guilt, it is equally true that many a jury is certain of his guilt, but lacks that degree of conviction which will support a decree of death.

Thus the tendency is always towards leniency and the number of judgments of deaths falls to an almost negligible quantity. What better evidence could we have of the presence of a widespread and deeply rooted conviction that the death penalty is wrong? Men say they believe in it, but they are exceedingly slow to apply it when they have the opportunity. Conscience—that still small voice that controls the human mainspring—rebels and they refuse to go counter to its admonitions.

Here occurs another argument against this penalty. After a period of leniency, in a community, some atrocious deed is done or there is a wave of crime, so called. The populace becomes excited and demands the rigid enforcement of the law to the very letter; for recent events it calls for blood. The newspapers and the demagogue grow vociferous and mass meetings pass resolutions. The wheels of the law are speeded up and the first one or two accused of murder are sacrificed, after which affairs assume their old ways. Such instances are of common knowledge. They demonstrate very clearly that jurors trying men for their liberties and lives are not always dominated solely by their own conscience, the testimony and the law, but are influenced by extraneous forces, however unconscious they may be of it or careful they may be to act honestly.

Concluding, I want to call your attention to the attitude of those great spirits and hearts of our American leaders of humanity. Our literature, our science, our art, our religion teem with righteous protest against the so-called legal execution of our fellow men. Those who have led us into the clearer lights of duty and responsibility have, without exception, pled for the abolition of this hideous disgrace and bloody inheritance from a brutal age. Lincoln wrote: "God helping me, I will never sign the death warrant of any man so long as I live"; Bryant, "I am heartily with you in your warfare against the barbarous practice of punishment

by death"; Whittier, "I do not regard the death penalty essential of the security and well being of society. Its total abolition and the greater certainty of conviction which would follow would tend to diminish rather than to increase the crimes it is intended to prevent"; Longfellow, "I am and have been for many years an opponent of capital punishment"; Horatio Seymour, "I am decidedly in favor of the softening of the criminal code"; Dr. Benjamin Rush, "The power over human life is the sole prerogative of him who gave it. Human laws, therefore, are in rebellion against this prerogative when they transmit it to human hands"; Father Mattew, "I have been thirty years in the ministry and I have never yet discovered that the founder of Christianity has delegated to man any right to take away the life of his fellow man"; Henry Ward Beecher, "In our age there is no need of a death penalty and every consideration of reason and humanity pleads for its abolition"; Wendell Phillips, "The gallows should be abolished altogether."

I might continue to quote for a day, but leave these thoughts with you as examples of the aspirations of the leaders of humanity.

The cold-blooded enforcement of this awful penalty, under the forms of law, is brutal and abhorrent and wrenches the decent sensibilities of every public official, who, by act or omission, is required to participate in it, including the jurymen who impose the penalty, the judge who directs its execution, the governor who refrains from clemency, the sheriff who superintends the hanging, the miserable unknown human tool who cuts the rope. It degrades and demoralizes, depresses with remorse and humiliation the community in which it takes place. It lowers the level of the finer instincts and is fraught with the ever present danger that a life is being sacrificed to the fallibilities of the human mind and conscience.

As the executive of a great commonwealth, I come before you to-day, the governors of sister states, to plead with you to give this subject your honest thought and faithful consideration.

The tendency of modern government in highly civilized communities is slowly and surely toward the abolition of capital punishment. Italy, Holland, Switzerland, Belgium, Portugal, and Roumania have abolished it. In the United States it has been abolished in Kansas, Maine, Michigan, Minnesota, Oregon, Rhode Island, South Dakota, Washington and Wisconsin.

Ought we have still upon our statute books the penalty that takes human life under forms of law or keep pace with the progress of events, particularly as the records show that it has ceased to act, if it ever did, as a deterrent of grievous offenses? Or should we step into that procession of advanced communities that has abolished forever this monstrous, hideous, penalty?

GOVERNOR SPAULDING—The next on our program is an address on "Duty and Responsibility of the Governor in Dealing with Prisoners." I will now call on Former Governor Blease of South Carolina.

### **"DUTY AND RESPONSIBILITY OF THE GOVERNOR IN DEALING WITH PRISONERS"**

FORMER GOVERNOR COLE L. BLEASE  
OF SOUTH CAROLINA

Mr. Chairman and gentlemen of the Governors' Conference: Three-quarters of a century ago, in the historic city of Boston, one of the clearest thinkers which Massachusetts, or even the nation, has yet produced, in an address upon "Man, the Reformer," emphasized the thought that "every great and commanding moment in the annals of the world is the triumph of some enthusiasm." He cited as an example, "the victories of the Arabs after Mahomet, who, in a few years, from a small and mean beginning, established a larger empire than that of Rome." "But," he predicted, "there will dawn ere long on our politics, on our modes of living, a nobler morning than that Arabian faith, in the sentiment of love. This is the one remedy for all ills, the panacea of

Nature. We must be lovers, and at once the impossible becomes possible. Our age and history, for these thousand years, has not been the history of kindness, but of selfishness. Our distrust is very expensive. The money we spend for courts and prisons is very ill laid out. We make, by distrust, the thief, and burglar, and incendiary, and by our court and jail we keep him so. An acceptance of the sentiment of love throughout Christendom for a season would bring the felon and the outcast to our side in tears, with the devotion of his faculties to our service."

There is no crystal ball in which man may see portrayed the future, and little did Emerson think that two decades after he was so eloquently preaching this doctrine of peace and love this nation would be plunged into four years of civil strife. When he said that "this great, overgrown, dead Christendom of ours still keeps alive at least the name of lover of mankind," and prophesied that "one day all men will be lovers, and every calamity will be dissolved in the universal sunshine," little did he reckon that 74 years later the far-flung battle lines of Europe would stretch from hundreds to thousands of miles and that nearly the whole world would be in a death grapple, attended by cruelty and sacrifice and misery which passes human understanding. Millions of men are seeking each other's life blood, and

"Few, few shall part where many meet;  
The smoke shall be their winding sheet,  
And every sod beneath their feet  
Shall be a soldier's sepulchre."

But it has been the history of the world, in accordance with the slow but steady progress of the human race, that the darkest night is ever followed by the brightest dawn, and from the gloom which now enshrouds the land and the sea, will emerge a nobler civilization, which will continue to gain strength in an atmosphere purified by the shock of battle, and human nature must be softened by the blood that has been spilled and by the tears that have been shed and by the prayers of widows and orphans that have ascended to the throne of a pitying God.

You will pardon me for this digression; but the thought was suggested by the fact that the spirit which plunges nations into wars, except the nations which wage war against oppression, is the same spirit which has in centuries past led men to seek the cruel punishment of prisoners—a spirit which is vastly too much in evidence in this twentieth century.

Within the past few weeks we read in the newspapers of a man who had made an attempt upon the life of another being plied with questions until he was too weak to talk, then being walked up and down the corridors of his prison to revive him, then plied with questions again, and subjected to God alone knows what else, in the administration of the “third degree.” Later this prisoner was found on the floor of his cell with his skull crushed in, and it was stated that he had climbed to the top of his cell door and jumped to the floor, killing himself. Whether he was murdered or whether he really committed suicide I do not know; but this I do know, that the suicide of any man would hardly be unnatural under such circumstances, and that the treatment accorded him, before conviction, would have been a disgrace to our civilization even had it occurred after he had been tried and sentenced. As remarks a very distinguished Southern minister of the Gospel, “the so-called ‘third degree’ is a revival of the horrible method of the Spanish Inquisition, a species of torture to compel an accused person to incriminate himself, a flat contradiction of the humane principle of law that regards every person innocent until proved guilty.” This “third degree” method that is practiced in the North and the East and the West—less frequently, I am glad to say, in the South—whether a man be killed during its administration, or whether he be driven to commit suicide, or whether he be tortured sometimes into confessing crimes of which he may be innocent, is barbarity in a sneaking form, under the sanction of law, and those guilty of practicing it evidence a spirit as mean and contemptible as the malice which animates the midnight assassin.

Three years ago I had the pleasure of addressing this Conference in Richmond. My remarks were telegraphed through-

out the nation, and I was heralded to the world as a chief executive who advocated mob violence. I do not propose to go into a discussion of that here; it is entirely beside the question. Suffice it for me to say that in the South, the lynching of a man for the unmentionable crime is a protection to our civilization, while the practice of this "third degree" violates the letter of our Constitution at its most vital point and is a blow to the whole spirit of our institutions. In the South an aroused mob is an outraged community which carries out the law, but brushes aside with mighty force the law's technicalities and delays. There is no hypocritical, sanctimonious violation of fundamental rights under the cloak of law by those sworn to uphold the law; the deed is open, and civilization and justice are vindicated. And when mobs are no longer possible, liberty will be dead. As was eloquently said by a Southern orator not long ago: "A nation of molly-coddles might meekly lie at the feet of popes and kings, while schools were being abolished, libraries burnt, scientific research penalized, and the great mass of the people plunged into ignorance, superstition and slavery; but such a nation never reared a Washington monument or drank patriotic inspiration on battle fields where brave soldiers died, or broke out into enthusiasm when the flags were flying and the bands struck 'Dixie.' Grape-juice dreamers may cry, 'Peace, peace,' but there is no peace, anywhere, nor was there ever any. The elements have no peace; the stars have no rest; the clouds toss and tumble, float or fly forever; the ocean always murmurs and always moves; the rivers do not stop, and the dews are ever going up or coming down; the storm is gathering its forces, or spending them, all the time; there is no peace. It seems to me, I remember something about 'mobs;' and, strange to say, these mobs are described as being pioneers of our independence and institutions. There was that Boston 'mob,' whose picture used to be in all our histories at school. You can close your eyes and see it now; the British soldiers, standing in well-dressed line, muskets at their shoulders, and the smoke and flame bursting out at the muzzles—and the members of the mob falling to the ground. The firing on the Boston mob

fired the American colonies, and the cry went all the way down to Savannah—"The cause of Boston is the cause of us all." "

The chief executive of a state has not a more serious duty nor a graver responsibility than the obligation imposed upon him in dealing with prisoners—and by prisoners I mean to include those in jail awaiting trial, with the presumption of innocence thrown around them by the law, as well as those serving sentences after conviction. The aim of the law—not some of the iniquitous laws written by man, but the great Moral Law of God, which was in the beginning and shall ever be—exists for the benefit of society, and not for the punishment and degradation of offenders against the law. It is necessary to deprive men of their liberties, and sometimes of their lives, for two primary reasons; to remove them from society until they may be reformed, and to deter others from committing like offenses. To go beyond this is barbaric, inhuman and in violation of the highest law. A state or a nation that allows its prisoners to suffer cruelties is guilty of a greater crime than the prisoners themselves have committed.

We have prisons and prison methods in the United States today which are a disgrace to any civilization, and there are thousands of prisoners who might well describe their condition in the words of Lord Byron's "Prisoner of Chillon:"

"My hair is gray, but not with years,  
Nor grew it white  
In a single night,  
As men's have grown from sudden fears;  
My limbs are bow'd, though not with toil,  
But rusted with a vile repose,  
For they have been a dungeon's spoil,  
And mine has been the fate of those  
To whom the goodly earth and air  
Are bann'd and barr'd—forbidden fare."

Or we might describe some of these prisons in the words of Cellini, written in a jail in the sixteenth century, 400 years before our boasted civilization of today:

"Mark well how Glory steeps her sons in gloom.  
You have no seat to sit on, save the stool;  
Yet you were active from your mother's womb.

"The knave who serves hath orders strict and cool  
To list no word you utter, give you naught,  
Scarcely to ope the door; such is their rule.

"These toys hath Glory for her nursling wrought,  
No paper, pens, ink, fire, or tools of steel,  
To exercise the quick brain's teeming thought."

When I assumed the office of Governor of South Carolina, I inaugurated in my state the parole system, and granted hundreds of paroles. As I stated in an article which I wrote for a leading law magazine recently, I was as vigorously condemned on the one hand, and so heartily praised on the other, for nearly every decision I reached upon each individual case, as any man who has ever been in public life in the history of this country. I cared not for the condemnation or the praise. I was seeking to do my duty under the Constitution, to execute the laws faithfully in mercy, and striving to do the right and to give human beings who had made a mistake a chance to correct it and to do their part for the benefit of society. The parole system which I inaugurated was entirely successful. Out of the hundreds of paroles granted, very few of those receiving this clemency failed to lead good lives. They were given another chance in life, and they took advantage of their opportunity.

I stated to the General Assembly of my state, in regard to this matter, that I considered the parole system the best system ever devised for the handling of convicts. In a letter of transmittal of the reasons which actuated me in each case. I said, among other things:

"Now, for instance, you parole a man during good behavior, who possibly has served more than half of the sentence imposed upon him—sometimes they have been paroled when they had only three or four more months to serve—you do not turn him loose, but say to him, go forth, make a man of yourself, for if you do not, and you are ever



convicted again, you have to go back and serve the remainder of the sentence imposed. Now, if these men had gone ahead and served out their sentences, they would be foot-loose to do as they please, and no restraint would be upon their actions. Even a life prisoner may be paroled; it is simply giving him another chance in life; and how many men who profess to be great Christians would be living and enjoying the blessings of this life, had not God forgiven them and given them another chance? The parole, during good behavior, means what? Good behavior means that he shall not violate any of the criminal laws of the state. If they do, they are not of good behavior, and they can be recommitted to the penitentiary, without trial, to serve the remainder of their sentences. The system I have now established in South Carolina will be followed by other governors—possibly not so many will be paroled, but the system itself will be kept in vogue. The same system is being tried in other states; some going even further and allowing a man to work himself out by his good behavior in the penitentiary. Take one case, particularly, a negro had been in the penitentiary for 18 years; he is paroled during good behavior; he is given another opportunity to live. If he disturbs the peace or violates any of the criminal statutes of the state, he goes back to the penitentiary for life; that condition hangs over him, and he knows that if he is not of good behavior, he goes back to serve the remainder of his sentence. Another instance, a white man sentenced to the penitentiary for a long term, for a crime committed while under the influence of liquor; parole him on the condition that he take not another drop of liquor. If he does, and thereby violates his parole, he goes back to serve the remainder of his sentence.”

After an experience of four years as Governor of South Carolina, during which time I exercised clemency in more cases than any other three or four governors combined, I believe more firmly today than ever before in the parole system as the most advanced step that has ever been taken in prison reform. As proof of the correctness of this opinion, I may state to you that since I retired from the office of

Governor, of all the large number of those whom I paroled not a one has been returned to imprisonment. These one-time convicts have reformed and are leading good lives and making substantial citizens. By the parole system they have been saved to their families and to the state.

But there must be places of confinement for prisoners who, it may be, cannot be paroled, and for those who must serve sufficient time that the lesson may be taught. Therefore, every chief executive ought to familiarize himself thoroughly with the condition of the penal institutions of his state, and see to it that they are comfortable and healthy, and that the inmates are treated like human beings, and not like cattle.

I believe in fresh air and wholesome food for prisoners; and in comfortable, well-ventilated rooms.

I believe they should have good literature and good newspapers, especially their home county papers, enabling them to be posted upon the acts and doings and to keep up with the progress of the people of their respective counties and of their state, in order that when they are given back to society they may not be as strangers in a new and unknown world, but may have the incentive in familiar surroundings to build their lives anew upon the solid foundation of honesty and integrity.

I believe they should have the right kind of amusements, that the social instinct so necessary in the plan of their salvation may not be deadened within them.

I believe that the whipping of prisoners should be forbidden, except in cases of wilful disobedience of rules or acts of insubordination, and that then the whipping should be administered only in the presence of disinterested citizens of good repute who are not connected in any way, directly or indirectly, with the institution. The people of the nation would be horrified if they knew of the fearful brutality practiced in our prisons—the merciless whippings, the electric shocks, and other forms of shocking cruelty. Every chief executive should inform himself of these things, that he may remedy the appalling conditions. As I can testify from experience, it is no easy matter to secure the information. It cannot be done by personal visits, because on such

visits everything will be in the best of shape, and if the prisoners are asked how they are treated they will be afraid not to say they are well treated, because of the knowledge that if they state the facts they will be visited with even more cruel punishment by their keepers. But the proper kind of investigation, in the right kind of way, will bring forth the facts, and the remedy can be applied by a just and fearless man.

Thousands of prisoners every day are being released after service of the full sentences imposed upon them. In what condition are these men to re-enter society and to take up again the burdens and responsibilities and privileges of citizenship? What more important duty rests upon a chief executive than that of seeing to it that confinement has tended to reform the prisoner rather than to make a more hardened criminal of him?

There are some professing Christians—God save the mark!—down in my state who condemn me for these ideas, and who sneeringly ask if prisons are to be made so attractive that they will lure men into them. We can only pity such beings, and pray God that His all-encircling charity may in some manner include them.

I believe that prisoners, in healthy and wholesome surroundings, ought to be put to work at useful trades, or taught useful trades when they do not know them. In my state most of the convicts are now worked on the roads. This work, properly required, is healthy for the able-bodied, and benefits the people at large. But we have the women and the weak-bodied also to look after, and other suitable work may be found for them.

And there is another matter which should be considered. In the majority of cases the family of a prisoner suffers more than the prisoner himself. It seems to me that much of this suffering could be relieved by paying to the dependent family of a prisoner a small compensation for the prisoner's labor. In many instances in my state the husband and father is imprisoned for crime, and his wife and little ones are left at home without any means of support, suffering hardships and privations, thrown absolutely on the mercy of the world

for the bread they must have. Had there been a system of compensation to the family in South Carolina while I was governor, it would have relieved me of what I felt to be the necessity for taking action in a number of cases, where the husband and father was sent home to save his family from dire distress. We are told by some that a man should consider his wife and children before he commits a crime. That is true, but if he does not, the fact of suffering women and children stares us in the face—innocent women and children suffering for food and clothing. Of course there are cases in which even their appeals must be disregarded, in order that society may be protected, and charity, which too often is found wanting, must be relied upon to put bread in the mouths of babes crying because they are hungry.

Still another matter which I have urged is that we ought to discard the system of numbering prisoners—designating them only by number. It would have a much better effect in reclaiming prisoners if their identity was maintained, even though they occupy a prison cell, keeping constantly before them the fact that they are human beings and that they have a soul.

And when the prisoners are released it is nothing short of a greater crime than most of them have committed to hound them down by always reminding any one to whom they might apply for work that they are ex-convicts. There ought to be a law passed by every state, and a national law passed and enforced, to prevent this great evil. The poor fellow should be helped to rise and do better instead of being held down, with so-called detectives, hirelings, running around trying to get people to perjure themselves in order to work up new cases against men who have expiated their crimes by the time they have spent in prison.

I was heralded to the world as "the pardoning governor," and I am proud of the title. I investigated every case before me, and always was saddened when I found a case in which my duty to my people forbade me to exercise clemency. My ideas along the line of the parole system and of prison reform have been called extreme by many, but there are those of us here today who will live to see them carried out throughout

the nation, if we continue to go forward in the future as we have advanced in the past. "What if some of the objections whereby our institutions are assailed are extreme and speculative," said Massachusetts' great scholar, "and the reformers tend to idealism; that only shows the extravagance of the abuses which have driven the mind into the opposite extreme."

The greatest debate this nation ever witnessed was staged in the Senate of the United States between a son of Massachusetts and a son of South Carolina. Both were imbued with the highest patriotism, and each was striving toward the same goal, but along different paths. Looking back to that time, we can see that the gloom of civil war, in which brother was to be pitted against brother, was already settling upon our great nation. A few years later the inevitable storm was upon us. Fifty years have now passed since its fury was spent, and today South Carolina and Massachusetts, by that fervid devotion to principle which helped to bring on the great battles in which the sons of one wore the gray and the sons of the other the blue, can clasp hands with higher respect each for the other and with the friendship of brothers each of whom knows the courage of the other and his devotion to a common mother. And I am glad that today South Carolina's voice can be raised in Massachusetts in the interest of the great reforms which I would urge.

I hear sometimes expressions from the North and the East and the West as to the treatment of negroes and negro prisoners in the South. Let me say that while I was governor of South Carolina, three-fourths, at least, of the cases in which I exercised clemency were those involving negro prisoners. The best friend the negro has ever had, so long as the negro stays in his place, is the Southern white man, and the negro knows it. The South will work out her own problems along this line, and outside criticism and interference can only retard the solution. But in the underlying principles of improving our systems generally, we should all work hand in hand.

In this connection, I may say that recently I visited the penitentiary of my state, and I saw walking around in a

large, comfortable corridor, two negroes held upon the charge of having criminally assaulted white women. They had escaped their just deserts for the time being. Locked and barred inside of cells about four feet wide and about seven feet long, with a little window, iron-barred, about two feet square, were three white men, charged with having killed a negro who had criminally assaulted a white woman. I do not mean to say that the incident is usual, but it was in South Carolina.

In conclusion, I would again urge the importance of the duty of the chief executives in the proper handling and treatment of prisoners. Our chief executives are clothed with large powers, and a heavy responsibility is theirs. A man in jail awaiting trial is presumed to be innocent—a presumption too often trampled upon by the law which has made it. A prisoner serving a sentence is a human being, with a soul—a being created in the image of the same God in whose image you and I were created. Society must be protected, but the most efficient means of protecting it is the reform of the criminal, and just as surely as we make criminals more hardened by the punishment which we mete out, so surely is society going to suffer, and those responsible must give an accounting some day, if not in this life, then at the bar of the Great Judge, who, I must believe, is going to hold to a stricter accountability those who have violated His laws under the hypocritical cloak of laws made by men, than he will hold the poor unfortunates who have erred through the frailty of their human natures.

“For they appeal from tyranny to God.”

GOVERNOR SPAULDING—You have heard some excellent addresses. These papers are now open for discussion. I am informed that it will be necessary for us to adjourn at 12:30.

#### DISCUSSION

GOVERNOR GOLDSBOROUGH—Mr. Presiding Officer, and Members of the Governors' Conference, I come from a state that is the gate-way to the Southland. I cannot silently sit

and permit to go unanswered the statement that when mob action is stopped liberty is dead.

That, the best element of the people of the Southland do not believe. That, is un-American, it is irreligious, and it is un-Christlike.

If capital punishment be wrong how much more so is capital punishment at the hands of a mob—to-wit, lynching.

I should be glad to hear discussed by this distinguished body of citizens the topic "The State's responsibility for mob law and violence." Only a few days ago I took occasion to examine the statutes of the several states of the Union, and I found that while a number had statutes providing that the relatives of a man who was lynched by mob might recover, there are a great many states without such provision on their books. Quite a number have statutes providing for the right of recovery for the destruction of personal property, but personal property is not life. Life is higher than that. Many and many a man who goes into a mob cannot be appealed to through the consciousness of right within his soul, but the only way of appealing to him is to touch his pocket-book.

I find that in Arkansas there is no liability for loss of life or damage to property. "Night riding" is a felony, for which the penalty is not more than five years.

In California every county and municipal corporation is responsible for injury to real or personal property situated within its limits, done or caused by mobs or riot.

In Colorado there is no liability.

In Connecticut there is no liability.

In Dakota, I have been unable to ascertain the status of the law.

In Delaware there is no liability.

In Florida there is no liability.

In Georgia there is no liability.

In Idaho there is no liability.

In Illinois, the city or county is liable for injury to real or personal property, to the extent of three-fourths of the damage sustained.

In Indiana there is no liability.

In Iowa there is no liability.

Kansas, all incorporated cities and towns are liable for damages that may accrue in consequence of the action of mobs within their corporate limits, whether such damage shall be loss of property or injury to life and limb.

Kentucky, cities are liable for injury to property if the city had sufficient notice and capacity to suppress.

Louisiana, there is liability for property destroyed but not for life.

Maine, towns liable for three-fourths of the value of the property destroyed.

Maryland, liable for damage to property, but not for life, I regret to state. I hope the legislature will see fit to place an additional statute upon its books to cover this deficiency.

Massachusetts, liable for destruction of property amounting to above \$50, when done by 12 or more persons.

Michigan, no liability.

Minnesota, no liability.

Mississippi, no liability.

Missouri, cities of the first and second class are liable for destruction of or injury to property.

Nebraska, no liability.

Montana, cities and towns are responsible for injury to real and personal property.

Nevada, no liability.

New Hampshire, towns are liable for injury to or destruction of property.

New Jersey, cities, towns and counties are responsible for injury or destruction of property.

New York, cities, towns and counties are responsible for injury of or destruction of real or personal property.

North Dakota, no liability.

North Carolina, no liability.

Oklahoma, no liability.

Oregon, no liability.

Pennsylvania, liability for injury or destruction of property confined to two counties, Philadelphia and Allegheny.

Rhode Island, city or town within which the property is situated liable for three-fourths of the injury sustained by



real or personal property when the result of the act of 12 or more persons.

South Dakota, no liability.

Tennessee, no liability, but the Kuklux Act makes those entering upon the premises of another while disguised or masked, a felony.

Texas, no liability.

Vermont, no liability.

Utah limits to one year the time in which to bring action against the city or town for loss resulting from mob violence.

Virginia, no liability.

Washington, no liability.

West Virginia, no liability.

Wisconsin, liable for personal injury inflicted by mob.

Wyoming, no liability.

I quote, as expressing the views which I feel upon this point the language of the Supreme Court or the Appellate Court of the state of Ohio, as recited in "Commissioners of Champaign County v. Church," 62 Ohio, 319.

"In the ardor of attack, it seems to have been overlooked that the constitution extends its protection over individuals as well as counties and municipal corporations. Even a criminal has some rights which cannot be forfeited. Every person who is accused of crime is guaranteed a fair trial, and he cannot be deprived of life or liberty without due process of law. The faith of the body politic is pledged to make good the constitutional guarantees to the individual. To the counties and municipal corporations is delegated, in a large measure, the duties of local administration. Within their jurisdiction they stand in the place of the state in enforcing the law and in protecting the life, the liberty and the property of the individual. If a large number of the people of any county become imbued with the lynching spirit, or negligent or indifferent to the due and orderly enforcement of the laws, so that lawless men may act with impunity, then there is no course for the state to take other than to intervene and directly protect the individual, as well as to enforce upon the community the observance of good order. The power of the state to do this cannot well

be questioned. What is known as the police power is based upon public safety, the public health and morals and the general welfare; and it is therefore as broad as their conditions may request. In this respect as in other respects, the power of the legislative branch of the state government is plenary, except as it may be specifically and clearly limited in the constitution. Within these limitations the legislature may prescribe such laws, sanction such fines, penalties, and forfeitures or damages, as will enforce the observance of the peace and dignity of the state, and compensate the injured party, for unfortunately the public conscience is often times more easily quickened this way than by teaching and persuasion."

GOVERNOR DUNNE—Will the Governor of Maryland permit me to make one correction? You have overlooked the fact that in the state of Illinois the Governor has the right to remove any sheriff who fails to enforce the law and to prevent lynching.

GOVERNOR GOLDSBOROUGH—I am glad to hear that, but I do not think that that exactly meets the situation.

GOVERNOR CURTIS—May I ask a question, and I wish it understood that it is not in the spirit of antagonism? I would like to ask Governor Hunt or Governor Dunne what they are going to do with the murderers? So far as I am concerned I am not able to understand what they intend to do with them.

GOVERNOR DUNNE—Segregate them.

GOVERNOR CURTIS—Put them under guard in jail?

GOVERNOR DUNNE—Yes.

GOVERNOR CURTIS—As I understand, then, we have taken a high stand as to murderers. We take our murderers, our thieves, and put them in prison with guards over them. If those prisoners attempt to escape what do we do with them? We shoot them, do we not? The law allows it, and when you shoot them haven't you taken away all the influence for morality?

GOVERNOR DUNNE—I don't think there is any justification for shooting a fleeing man.

GOVERNOR CURTIS—Does not the law allow it?

GOVERNOR DUNNE—I don't think so.

GOVERNOR CURTIS—How about the militia law?

GOVERNOR DUNNE—In case of a mob the civil authority is suspended, but I don't know of any law, when the civil authority is not suspended, that authorizes the murder of any man who is fleeing.

FORMER GOVERNOR ADAMS—In the state of Colorado, we have a capital punishment law. At one time that was abolished and later it was reinstated. A gentleman here said, "How are you going to avoid mob law?" I believe that capital punishment is an incentive to mob law.

I have looked into it a good deal. In our state many years ago we had thirty-two men who committed crimes punishable upon the gallows. Only two out of the thirty-two ever reached the gallows. And most of the others were in a short time released from imprisonment. Had the penalty been life imprisonment instead, those men would have served for life and would not have been a menace to the community. The whole community rebels against capital punishment. You may take this whole audience here of forty governors and ex-governors and though all are in favor of rigid enforcement of law and appropriate penalties, yet, instinctively in the heart of each of us,—in the heart of man, there is a fight against capital punishment, against the taking of life.

Take any twelve men here and put them upon a jury and they will say to the judge that they are not prejudiced in their mind, but that they favor capital punishment if that be the law, and the man be proved a murderer; and yet those men in their own minds become at once attorneys for the defense. And they are always seeking to find an excuse, if the maximum penalty is capital punishment, whereby they may cut the sentence to life imprisonment.

I am opposed to capital punishment, first upon principle, and because it does defeat the very purpose for which it is intended.

I have never seen a warden in our state who is not opposed to capital punishment, because they feel, from their knowledge of prisoners that a life imprisonment is more effective.

There is always a hope of avoiding the gallows. Even in case of conviction there is such opposition to capital punishment that chances are against its being inflicted. Any full blooded sport prisoner will take the chance, but he will not take the chance of live conviction, or conviction and imprisonment for a long period of years.

FORMER GOVERNOR HAINES—I have just a word to add. The State of Maine was one of the first to abolish capital punishment. If I had thought this discussion would come up I would like to have brought here and to give you data that I gathered in 1898 or 1899, when I was attorney-general, which gives figures showing the result of what we had done then in about 20 years, after the abolition of capital punishment, and the relative amount of homicide as compared with previous years. And of course it has gone on since then for 15 or 16 years. We must have been without capital punishment in the State of Maine for 35 years or approximately that, and I do not believe if the question was put to the people of Maine today, out of 200,000 votes it might be possible to get 150,000 votes cast, and I do not believe 20,000 votes could be cast in the State of Maine to restore capital punishment.

I have not the data or figures here but if any of you care to know what our first twenty years' experience was after the abolition of capital punishment, you write to the Secretary of State and get my first report as attorney-general, which must have been issued in January, 1898. There you have the figures, and since then it is the same. There is no sentiment at all to restore it.

We adopted at the last legislature or the next to the last session, the indeterminate sentence law, by which the prisoner is paroled at the expiration of half of his sentence, upon good behavior, upon the representation of friends and upon the agreement that he will be cared for and returned if necessary. It was my pleasure as chief executive of the State to have the first administration under that statute, and they said I would empty the entire prison. Well, we did not quite do that, but I guess we let out thirty or forty per cent of those who had served half their sentences, and in but one

instance I think, was it necessary to reincarcerate a prisoner paroled.

You have two classes of criminals, gentlemen. As the superintendent of our state school for boys said to me one day when I was governor, speaking of boys,—“You give me a boy that has got a mind and I can reform him. I can return him a citizen.” And it is just the same with the prisoners. There is a certain class of prisoners who have minds not capable of reformation, and among those is the kelp to maniac, the natural born thief. And in the case I refer to the man who was returned broke in on the second day after he was released. But outside of that the prisoners who were released were kept under supervision and I know of none that failed to go rejoicing, and I believe that the whole citizenship of my state rejoices that they had that opportunity. In this way the community is relieved of the burden of maintaining them, and I believe it was an advance step in the interests of good government.

GOVERNOR SPAULDING—We have only about three or four minutes more on this subject.

GOVERNOR MANNING—I want to make two statements to show the attitude of South Carolina upon the matters under discussion. I desire to say, first, that we are fully mindful of our duty in regard to the treatment of prisoners. We have long ago abolished the system of leasing the convicts. We have realized the necessity of establishing reformatories for both white boys and negro boys, and they are in successful operation today.

We have further recognized the necessity for humane treatment and progressive treatment of the inmates of these institutions, and in my inaugural address in South Carolina in January I advocated the creation of a state board whose duties are to look into the conditions of the inmates of the penal and charitable institutions of the state and to make such recommendations to the managers of those institutions as will bring about a better condition in the treatment of the inmates.

In the second place I wish to state that in South Carolina wherever a lynching occurs the county in which that lynch-

ing occurs is liable for the payment of \$2,000 to the family of the man who has been lynched. That has passed through all of the courts, and the decision of the Supreme Court was handed down recently, and the result was that \$2,000 was recently paid to a negro family by the County of Clarendon, South Carolina, for the lynching of a man in that family.

I simply desire to make this statement, that the Conference may understand the attitude of South Carolina on those two matters.

GOVERNOR SPRY—I was about to suggest, Mr. Chairman—I know that the time is up—and that we desire to be punctual for this afternoon,—in view of the fact that there are yet two papers to be read which are not included on the program, a paper which Governor Gilchrist of Florida has been invited to prepare and the paper which former Governor Hawley of Idaho was invited to prepare, but which he is unable himself to read and has sent to me to present to the Conference, I would like to offer the suggestion that we set our time for meeting half an hour earlier tomorrow morning, and that instead of adjourning until 10 o'clock tomorrow, we adjourn until 9:30. Some gentleman suggests 9 o'clock. That will suit me still better.

This subject discussed this morning is of such an interesting character that it is possible that we can devote another half an hour to its discussion, because there are a number of gentlemen I know who desire to be heard. And I move you, sir, when we do adjourn that we adjourn until 9 o'clock Friday morning.

The motion was seconded by Governor Goldsborough, the question was put and the motion agreed to.

GOVERNOR STUART: If I may be permitted to have five minutes I can say all that I desire to say on the matter in that time.

GOVERNOR LISTER: Might I be allowed to suggest that inasmuch as the meeting begins at 9 o'clock tomorrow morning the first half hour tomorrow morning be spent in discussion of this matter before us this morning. In that way we will have a fixed time for discussion and will be through with it and ready to proceed with the regular order.

GOVERNOR STUART—That is entirely agreeable to me.

GOVERNOR SPAULDING—I think the suggestion is a good one.

I have a telegram from Governor Hall of Louisiana:

“Alexandria, La., August 23, 1915.

HON. T. C. BARRETT:

Regret very much my inability to go to governors' conference. Please attend it and represent me.

L. E. HALL.”

We have with us today the Lieutenant-Governor of Louisiana, Mr. Barrett.

Announcements were made relative to the parade of the afternoon and the part that the governors and ex-governors will take in it, and upon motion duly made and seconded the Conference adjourned to meet at 9 o'clock A. M., on Friday, August 27, 1915.





## FOURTH DAY

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AUGUST 27, 1915.

The sessions of the Conference of Governors were resumed on Friday morning, August 27, 1915, at 9 A. M., in the Senate Chamber, Boston, Mass., Governor Samuel V. Stewart of Montana, presiding.

GOVERNOR WALSH—The Conference will please come to order. I am very glad this morning, speaking for the Executive Committee, to announce that we have selected as presiding officer one of the younger Governors of the country, who comes from the far West and who is serving a four year term as Governor of the important state of Montana. In view of the interest which this Governor has in these conferences, and the service which he has rendered to us in the discussion of various questions before the Conference, it is an especial pleasure to me to present him to you and to you to welcome as presiding officer, Governor Stewart of Montana.

GOVERNOR STEWART (Presiding)—Gentlemen of the Conference, it is a decided pleasure to be called upon to preside at this particular meeting by reason of the fact that the subjects to be discussed are those which are of such vital interest to the people of our section of the United States. I understand, however, that before the taking up of the subjects which are assigned for today we are to have a short discussion of some of the papers that were read yesterday. Before calling upon the Governors for this discussion I have the very great pleasure and honor of reading to you a telegram received by Governor Walsh, in response to the one sent to the President of the United States on the first day of our Conference.

"The White House, Washington, D. C.,  
August 26, 1915.

GOVERNOR DAVID I. WALSH,  
Boston, Mass.

I deeply appreciate and am greatly heartened by the generous resolution of confidence and support passed by governors in conference, and beg that you will convey to them my heartfelt thanks and my cordial best wishes for a successful and profitable conference. I wish that I could bring the greeting in person.

WOODROW WILSON."

[Applause.]

FORMER GOVERNOR GILCHRIST—Mr. Chairman, as there are only five minutes left of the half hour which we intended to set aside for discussion this morning, I suggest that we waive the discussion until later and hear the papers in the regular order of the day, and have the discussion later. I make that as a motion, that we take up the regular order of the day.

GOVERNOR LISTER—It seems to me that the proper way to get discussion of the matters which were left over from yesterday would be to extend the time at present, rather than to put it off until another matter has been taken up; and I therefore move that the discussion left over from yesterday be allowed to continue until ten minutes to ten o'clock.

[The motion was duly seconded by Governor Spry, the question put and the motion agreed to.]

GOVERNOR STEWART—It is so ordered. The discussion will proceed. The gentleman from Virginia, Governor Stuart.

GOVERNOR STUART (of Virginia)—When we adjourned from yesterday I was about to say a very few words which I believe I promised should not take more than five minutes. I am willing to make the same promise today.

As the discussion of capital punishment was progressing yesterday I was more and more struck with one inherent weakness of such a discussion in such a body as ours.

In a country like this we are very fortunate that the people are divided into great commonwealths, forty-eight of them, in which each can make laws that suit its particular conditions. Laws are but reflections of public sentiment and public

sentiment is in almost all cases the reflection of public necessity. We are going to hear very soon some papers read on conservation which illustrate this point.

In the great states of the West they have some problems peculiarly their own which they know more about than any people in the world and care more about. It is for us to listen to their problems, to listen sympathetically, and insofar as we may, to assist in the solution of their problems. We of the South have some problems peculiarly our own, well known to all of you gentlemen, and which it is needless to mention in detail. So that I shall speak of them in only a general way.

I want to say in the beginning that the state of Virginia has had, has maintained, and now maintains a reputation as a conservative state, and I wish it further to be understood that the people of that Commonwealth stand first, last and all the time for law and order.

We stand for the rigid enforcement of law, civil and criminal. Our laws are conservative laws. We have not been radical; we hope we have been sufficiently progressive, but never radical. We have not a line in our criminal law that is not needed there for the protection of our people and for the preservation and advancement of our civilization.

We have taken one long step and one which I think is worthy of the attention of my fellow-governors. In all but one crime, and one alone, there may be substitution of life imprisonment by the jury for electrocution. That is to say, a man charged with murder in the first degree if found guilty is not necessarily electrocuted. In the discretion of the jury they may condemn him to life imprisonment. We feel that that places in the hands of our jurymen a wise discretion and that the public sentiment—an enlightened public sentiment I am now speaking of—which stands behind juries and their verdicts will be reflected in cases where leniency and mercy are to be expected, rather than the extreme penalty of the law. I look for very few sentences in the future in Virginia, of electrocution, except for one crime.

We have maintained, if I may be pardoned for this reference to my own state, the reputation not only for

enforcement of law but for certain and swift enforcement. There are no laws' delays with us, such as we hear so much of in trials of criminals, or at least no unreasonable delays. So that the certainty and the swiftness of law enforcement is the staff upon which our people lean and upon which they rely for the vindication of their rights and for the preservation of their life, liberty and property.

I am not one of those who believe that there is any dominant sentiment in any community for law violation or for taking the law into the hands of the mob. I believe that way down in the hearts of the American people and of all classes of them, they love the law. The farmer in the field, the artisan in his shop, the clerk in the counting house, the millionaire, and all the way along, and all the way through, love their country and want to see the laws enforced, and want the benefit of their enforcement. And I believe that the appeal is to that sentiment rather than to that of violence and of taking the law into the hands of the unthinking mob.

Now, my friends, I shall not go into the reasons why capital punishment should be maintained on our statute books. I have indicated that in a sufficiently practical way, and what is true in my state is equally true of practically all the southern states. Capital punishment is there for a wise purpose, a purpose which I believe cannot be overlooked and which it is the duty of the people always to maintain.

I say, we live in a state of law enforcement. I have no doubt it has occurred to some of our governors that I should file something as an exhibit. I file this as an exhibit: Not in many years has there been a lynching in the state of Virginia.

There have been crimes committed there which in some states usually call for a lynching bee, but the people knowing the law and having confidence that it will be administered fairly, are willing to give the man, no matter what crime he has committed, a fair and impartial trial before a jury. In my own administration we have had five of these heinous crimes committed and no lynching. I believe that the attention of the executives should be taken up and fully occupied in inculcating the lessons of law observance. I

stand for it, and I think all the other southern states stand for it, and I hope they always may do so.

I am free to confess that conditions in some of the other states might be so radically different from those in my own as to make altogether practicable the suggestions presented by Governor Dunne of Illinois, Governor Hunt of Arizona and others. I only say this, because the subject has been discussed, because some light has been flashed on this subject with which I have not agreed, and with which I can never agree. I believe that the spirit of law observance is growing in the south, although we may have had some recent examples to the contrary. I firmly believe that it is growing and growing rapidly, and that the incidents, unfortunate incidents some of them, with which you are of course all familiar, may prove the beginning of an era of greater reverence and love for the law of the land.

There are times in nearly all the states when the higher law has been invoked, has been invoked by individuals and when invoked the man places himself before the jury, the jury hears the case, and in some of the northern states as well as in the southern, the higher law has been winked at. That must stand on its merits in each case. But there is no reason anywhere, and there never has been any reason in recent years why mob violence should raise its head in any state.

I promised to confine my talk to five minutes. I have exceeded that already, but it is a very interesting subject—one which I would like to discuss, but I will refrain from any further remarks.

FORMER GOVERNOR AMMONS—I do not care to make a speech on this subject but I do want to make a suggestion which has grown out of a somewhat peculiar experience, and that is this: It seems to me, referring to a number of papers, that there is no need for mixing up our several departments of government. But it is extremely important that after the legislature shall have defined the policy of the people, the chief executive of the state should be given the power necessary to perform his duties. I am very much in favor of the short ballot. I believe that when a Governor is expected by every citizen in his state to execute the law, we

should not take chances on present conditions in many of our states of electing men who may tie the hands of the executive so that he cannot perform his plain duty. I am in favor of the federal form of executive authority, where the Governor who is chosen to execute the laws shall choose his own cabinet the members of which shall hold office so long only as they are in sympathy with the Governor. This does not increase the power of the Governor, but it does give him the authority to do what is expected of him. I believe that if that were insisted upon in many of our states, it would dispose of numerous difficulties we have all had in the past, and that it would not vitiate the original principles upon which the government of these states was founded.

GOVERNOR SPRY—It is not my purpose to make any extended remarks, and I want to assure the gentlemen with whom I disagree that I have the most profound respect for their opinions with respect to capital punishment. I cannot agree with them because of the personal experience I have had along this line. In my state during my administration we have had perhaps eight or nine executions. I might say that the law in my state gives the condemned man the opportunity to exercise his preference in selecting the manner of execution. He has the right to choose as between hanging or shooting, and invariably, with but one exception, which has come under my recollection, they select shooting.

If I may be allowed a little levity in discussing so gruesome a subject, I might say that it is the most honorable way of shuffling off the mortal coil, for the reason that later in life in discussing one's forefathers it comes very much easier to say that my grandfather was shot, rather than that he was hanged. The hanging carries with it more or less of suspicion.

I do not agree with the statement that the condemned prisoner would prefer execution to life imprisonment, and I base that upon the fact that except in one instance where the condemned man imposing largely upon his bravado insisted upon the hanging because of the claim that it would put the state to somewhat greater expense,—there have always been appeals made to the Board of Pardons for commutation to life imprisonment.

I am not in sympathy with the statement that because many of the European nations have abolished capital punishment it has had a tendency to lessen crime, for my observation has taught me in the West, and I presume that the same observation will hold good with my eastern brethren, that these same nations of Europe send over their people—our immigrants—many of whom come into the western country and about the the first thing that these immigrants do is to heel themselves, in the language of the West, and upon the very slightest provocation they start in shooting or cutting. The greater part of the executions that are taking place in our section are of such men from these countries of Europe wherein capital punishment has been abolished.

I am not of the opinion that the condemned man should be isolated from the rest of the prisoners, that he might suffer a life imprisonment, for the reason that the same sentiment that grants a commutation to life imprisonment will, later on, liberate him from the confines of the prison.

I am reminded of one instance, if you will pardon the personal relation. We had an Italian in Utah who was condemned for murder. He applied to the Board of Pardons for commutation. The Board in my state consists of the three judges of the Supreme Court, the attorney general and the Governor. We unanimously refused to grant him commutation. The case came up on Saturday. He was to be executed the following Tuesday. The man made application to the governor for a reprieve on Monday, which was refused.

On Monday evening he sent for the governor, who went to the state's prison, and he then and there made his confession which in brief ran like this: That he had been in the United States for eight years. Immediately upon his arrival here he was induced to join the Black Hand Society. During those eight years he had lived in a carnival of crime for he confessed to me that at certain times and places he had committed in these United States during those eight years thirty-five murders, giving me the number in the different places, the time and place. And I ask you, Mr. Chairman and gentlemen of this Conference, what incentive any

governor or any board of pardons could have in granting a commutation to life imprisonment for such a fiend?

Suppose you confine him to a separate cell-house. In the first place most states are not in condition financially to build separate buildings for condemned murderers, in order that they may be confined either for life or until such time as the sentence may be commuted and they be given their liberty. What about the men who are employed to guard that class of criminals? And the thought has always come home to me that the life of a warden or guard, or any number of guards was equally precious in the eyes of the public as the life of a condemned criminal; and notwithstanding some men may say that you pay these guards to perform certain obligations, I think that the lives of those guards and wardens ought to be held by right just as precious as the lives of men who have lived in crime the greater part of their lives. And I think in the interest of society, in the interest of the public generally, in the interest of the institutions of these United States, these various states of the Union ought to set their face as firmly as flint against the abolition of capital punishment.

FORMER GOVERNOR MCGOVERN—In the state (Wisconsin) from which I come capital punishment has been forbidden for years and I wish to second what Governor Dunne has said as to the feasibility of abolishing it everywhere. In doing so I rise not to make an argument for the policy that prevails in my own state, but rather to corroborate what he has said.

One of the Governors said it is a fortunate thing that the nation is divided into states and that laws may be made to suit the needs of the people of each locality. That is true, but it is also true that one of the principal purposes, one of the original and prime objects of this conference of governors was to bring about greater uniformity in the laws of the different states relative to those matters in which there should be uniformity, and not disparity, in legislation.

Isn't this rule applicable to the question of capital punishment, that is, to the prevention of crime? The incentives to crime are the same everywhere. The temptation to break the law is felt everywhere alike. The need of enforcing law and preserving order is confined to no section.



The desirability of reforming the criminal and protecting society is recognized in all the states. So if there is a demand for greater uniformity of legislation in the various states here is a topic that is an appropriate one for our consideration.

While I have the utmost respect for the opinions of every member of this Conference, however much I, as an individual, may differ from them, let me say that I believe the time has come in this country when we ought not to waste time discussing the question of mob violence or debating the propriety of enforcing the law; and it seems to me also that the time has come in the progress of civilization when none of us need feel proud of the fact that no lynching bee assembled in our state in recent years. We have not had one in Wisconsin within my recollection, but I do not cite the fact with any special state pride. On the contrary it would be cause for deep humiliation if any attempt to lynch were made within the borders of my state.

Governor Spry referred to his personal experience in Utah. It may justify reminiscence of my own. For eight years I was prosecuting attorney in the county of Milwaukee where the metropolis of our state is located, and I conducted many murder trials. We hang no one or shoot no one by authority of law in Wisconsin. We do not present to the convict the pleasing alternative of being hung or being shot.

In that time there were a few men whom I prosecuted for murder in whose case I felt there were no mitigating circumstances. In two trials at least I said so to the jury, to the court and to the culprit, and I prosecuted them with the utmost vigor of which I was capable. I felt our law was too tender and too merciful to men who had committed crimes such as they had committed.

Since those cases were tried ten or a dozen years have passed. A day or so before leaving home to attend this conference I wrote a letter to the present governor asking clemency for one of those men who is now hopelessly insane. The other man has been in an insane asylum for years.

I want to say to Governor Spry that if the case he referred to were investigated carefully, I warrant he would find that

the man was either fabricating charges and evidence of crime against himself to feed his own vanity and self-glorification, or he was mentally deranged; for no human being in his right mind will go out deliberately and kill thirty-five human beings.

Governor Dunne and Governor Hunt both presented statistics that take this subject out of the field of speculation. Governor Dunne told you for instance that among the twenty-one states having the highest rate of homicide in this country not one state has abolished capital punishment and conversely that among the twenty states having the lowest per capita rate of homicide is to be found every state except one that has abolished capital punishment. Gentlemen, what conclusion is to be drawn from these facts?

Only an imaginary line separates Illinois and Wisconsin. Their people and our people are very much alike. The inhabitants of both states come from the same places in Europe and here in the east; they are of the same character and occupations; yet crimes of violence in Illinois are twice as frequent as in Wisconsin. Illinois has capital punishment. We abolished it more than 65 years ago.

Why should there be this difference if it be not traceable to the enforcement of the law which follows as the penalty for criminal transgression. In the states that retain capital punishment of those who are indicted only ten or eleven per cent are usually convicted. In the same states after capital punishment had been abolished this percentage rose to fifty, sixty and even seventy. It is a marked and significant change and my feeling is that it is the certainty of punishment, and not the severity of punishment that acts as deterrent. When you make the penalty so severe as to shock the juryman's sense of justice and fairness, he will not convict no matter how clear the evidence may be. In England 555 verdicts were brought in in fifteen years for larceny of 39 shillings, when it was a capital offense to steal 40 shillings; when the law was changed and the amount put at 5 pounds instead, the verdicts came in for 4 pounds and 19 shillings. The lesson is plain. The law was too severe.

There is a spirit of admiration for courage and bravery in every man, and a disposition to exalt daring in every community. When you make the punishment for an offense capital, you at once permit the man who breaks the law to play the role of hero; and knowing this many of them will take the chance of being acquitted, or, failing in this, glory in the picturesque way in which they pay the penalty.

If you wish to reform these men, misguided as many of them are, or if you wish to protect society, the safest course is to moderate punishment and then see to it that the law is impartially enforced. In this way crime will decrease and property and life will be better protected.

GOVERNOR ALEXANDER—The Idaho statutes provide for capital punishment, but this punishment has become almost obsolete in the state. In Idaho the jury can find a man guilty, but cannot determine the punishment, which is left to the court. We have had no executions in the state. Within the last six months the first man was brought to the penitentiary to be executed. In all cases, after the jury has convicted, the court reviews the evidence, and then and there decrees the punishment that the man shall suffer.

We have had no lynching in the state of Idaho for fifteen or twenty years. Lynchings are unknown, in our state. We have the indeterminate sentence law; we have a parole board; we have a juvenile court and we have generally all the laws found advisable by a careful study of penology.

Whether a death sentence is a good thing or not I am not willing to discuss, but in Idaho we have very little use for it. Still, it is on the statute books for use if the unusual occasion requires it. The last man who was convicted for murder killed his friend for money. He is now in the penitentiary while his case is before the Supreme Court on appeal.

The administration of our criminal laws has been beneficial and the laws are administered swiftly, justly and wisely and society has been the gainer.

GOVERNOR HAMMOND—Interesting as the discussions are, I beg to call the attention of the Chair to the order of this morning fixing a limit to this discussion. I think it was ten

minutes of ten, when it was to be closed, and it has now reached the hour of ten.

GOVERNOR WALSH—May I ask the Governor of Minnesota to permit the Governor of Massachusetts to have two minutes on this subject? In view of the fact that certain utterances have been made here that might be construed to be approved by the Governor because they were made in Massachusetts, I would like to have the privilege of two minutes.

GOVERNOR STEWART—If there is no objection Governor Walsh will have 2 minutes.

(No objection was heard.)

GOVERNOR WALSH—Governor Stewart and fellow-Governors, I did not intend to address the convention at this time on the papers under discussion, but I fear that perhaps after this convention is over my silence, because of utterances made here in Massachusetts, might be construed as approval.

I want to object very strenuously to the definition of liberty that was given here yesterday. As I understand, the following language was used by one of the speakers:

“In the South an aroused mob is an outraged community which carries out the law, but brushes aside with mighty force the law’s technicalities and delays.”

That has been answered by governors from southern states so well that perhaps words are unnecessary from me. But that language means to me that some persons construe liberty to amount to this: That liberty is lost to the people if mob rule should be abolished.

I like to think of liberty as meaning obedience to law, and there can be no liberty without obedience to law. Obedience to law does not mean laws which define crimes and misdemeanors, but obedience to the statutory law which society has adopted to punish breaches and infractions of the law.

It means obedience to the decrees of the court. It means confidence and trust in the juries of our country and the courts of our land.

In one of the courts of this Commonwealth there is inscribed these words: "Here speaketh the conscience of the state restraining the individual will." The courts are the conscience of every community, and the conscience of a community is not a mob or a crowd of lynchers; and I sincerely hope that no note will go out from this convention of the acquiescence of the Governors assembled here in the state where the first effort was made to establish a free government and to establish a government where liberty, which means obedience to law, was to be the very foundation stone of its existence; but that we stand for and represent Commonwealths who believe that the courts are the true and real agencies where society is best protected, and that the courts may continue as they have in the past to be the conscience of the state.

### "CONSERVATION"

GOVERNOR SAMUEL V. STEWART OF MONTANA.

Introduction by Governor Samuel V. Stewart of Montana, (presiding).

Fellow Governors, just a little more than a hundred years ago the President of the United States, Thomas Jefferson, conceived the idea that there should be more definite information and knowledge of the great country lying to the West. He appointed and designated as his commissioners of investigation two intrepid young men, Lewis and Clark. The story of these explorers reads like a novel. They traveled years in crossing the country that we traversed in days, to attend this meeting. They discovered wonders and from that day to this wonders have been discovered as time has gone by.

They gave the first real authentic information of what there was in the great West, toward the Pacific coast. So accurate was their report that 107 years after they had filed the plats of the great falls of the Missouri, located at Great Falls, Montana, the engineers in checking up the

measurements shown on their plats found that the length of those falls and the height thereof varied less than 6 inches from the measurements made by Lewis and Clark 107 years before.

The value of the information they furnished was of untold worth. People followed up the ideas that they gave in their reports and moved ever westward.

There has been a spirit in all these years that has actuated mankind to push to the frontier, but the frontier has moved on ahead of the pioneer. Other discoveries were made, not so large geographically as industrially. It was discovered that the great mountains in this western country contained valuable minerals and untold millions and billions of dollars have been poured into the marts of trade in this country as the result of working the mines of that region.

It was discovered that agriculture, the raising of live-stock, and of those things which make for the prosperity and furnish homes for the people of this country would thrive in the localities of the West.

Why, even recently the great State of Montana, the third largest in the Union, the largest state in area that is represented by a governor or former governor in this Conference here today, already enjoying the distinction of being the greatest copper-producing state in the Union, the greatest producer of wool, and of meat and some other staple products, discovered at the San Francisco and the San Diego Expositions that it had captured the grand prizes for cereals. We are continually making discoveries, but we are confronted by a condition which does not exist in the eastern part of the United States.

We have great public land problems. Conservation with us is a live, a real issue. Will you pardon me a moment—and I will not detain you for more than just a moment—while I tell you that the total area of the State of Montana consists of approximately 94,000,000 acres, 146,000 square miles. 22,237,080 acres are unappropriated and unsurveyed public domain or were on July 1, 1914. 25,836,655 acres only were taxed March 1, 1914. 18,960,000 acres are included in forest reserves and are administered by the General

Government of the United States. 5,558,464 acres are in Indian reservations, administered by the General Government. 4,113,000 acres are owned by the State. 5,139,000 acres are in water surface, and it is estimated that 750,000 acres are devoted to town sites and public roads. 610,783 acres have been withdrawn for irrigation purposes by the Government, leaving 15,511,966 acres unaccounted for. In other words, we just lost that much in the shuffle. Probably it is railroad, homestead and unsettled land in the process of passing title, from the Government to the settler.

So you see these things are live issues with us. In the year 1914 there were 61,229 homestead entries made in the United States, involving 12,117,087 acres. In the State of Montana there were 20,662 of those homestead entries, making one-third of all in the United States, and they involved 4,429,616 acres of land.

My friends, you are not surprised that we are interested in conservation, but we are surprised that you folks are not more definitely interested in it in the eastern country. More definitely, I say, but perhaps I should say more intelligently interested in it, because in recent years there has been interest in public land matters, but unfortunately those who have taken the greatest interest and those who have been loudest in their declarations on these matters have had less definite information than perhaps they should have obtained before attempting to speak.

I am not trying to take the place of any of the speakers on the program. I merely want to impress you with the reasons why the people of the Great West are interested in these things.

Let me give you an idea of our mineral wealth.

The mineral wealth of the western country is scattered all over the public domain, in cases where it has not passed into private ownership. Copper has been produced in our state of the value of more than \$800,000,000. In valuable minerals in the last fifty years we have produced \$1,761,000,000. We expect to keep carrying the message of the West to the people of the East and the people of the country, until we

are able to get the intelligent co-operation of those people in the solution of our problem.

There was a man who was from the State of Colorado, the Governor of that State, who was to have a paper here this morning, but unfortunately he has been detained and he has wired that it will be impossible for him to be here. As the paper will probably be submitted and read by some member of the Conference at some later time, I need not discuss it now. However, we have with us a man interested in this subject. He is not a western man himself. He has been the governor of the great Empire State of New York. But he has traveled over this country. He has investigated these matters intelligently, and he understands the theory and above all the great practice of conservation, and not only the conservation of natural resources, but the conservation of mankind.

Former Governor Dix of New York will present the first paper, entitled, "Conservation of Mankind and Natural Resources." Gentlemen, I have the very great pleasure to introduce Governor Dix.

GOVERNOR MANNING—Mr. Chairman, I ask if Governor Dix will yield to me for a moment, for a personal statement.

GOVERNOR STEWART—The Governor yields.

GOVERNOR MANNING (of South Carolina)—Mr. Chairman, on yesterday, when a paper was read by an ex-governor of South Carolina, I felt that a reply to that paper had been suitably made by the Governor of Maryland, and no further comment was necessary from me, and that the statement and position taken by the Governor of Maryland was accepted by this Conference as a statement of the position of the Conference. And I regret this morning that the author of that paper is not here. But inasmuch as reference has been made to it by Governor Walsh, with the apprehension that silence may be misconstrued as to his attitude on it, I desire simply to say that I feel it is but just to the state which I represent, South Carolina, to say that we do not stand for mob rule. And, as I say, I regret that the author of that paper is not here today to hear this statement for himself. But I feel that it is due to my people



to say that the campaign last waged was upon this plank, that the watchword of that campaign upon which I pitched my campaign was the enforcement of law and order.

I desire simply to make this statement that this Conference may understand what the attitude of the people of South Carolina is, when I say to you that by their ballots they spoke in no uncertain terms and the majority cast for one who had made the enforcement of law the leading plank of his platform was the largest majority ever cast for a governor in that state.

GOVERNOR STEWART—Gentlemen, Governor Dix of New York.

### **"CONSERVATION OF MANKIND AND NATURAL RESOURCES"**

FORMER GOVERNOR JOHN A. DIX OF NEW YORK.

Mr. Chairman and Governors of the Conference: I wish to express my personal sympathy to and sorrow for the families and relatives of those who met with an accident last evening. There is some reference to human life in this paper, and I think it only appropriate that some expression should come from the Governors.

This is a very large question in the State of New York and in a degree I think the State or Commonwealth of Massachusetts has a similar problem, it being a port of entry. The gates of our country are open wide to the nations of the earth who send people to come and enjoy the opportunities, the advantages, when our only requirement is that they shall obey and respect our laws.

We invest American dollars in the youth who come here, in their education, in their equipment, to take advantage of and enjoy our opportunities. We teach them early to respect an ideal, an idea—liberty, as represented by our flag.

The time has come and it cannot be mistaken by this country when the youth in whom we are investing should

also be impressed that he must defend that flag and maintain our independence.

The operation of government is essential, and government has no income except as it comes and is derived from the pockets and from the energy and industry of its citizens.

When I became governor of New York I was impressed to ascertain from where our income was derived. I found that the largest item of income, amounting to \$20,000,000, was from excise. One-half of that amount was returned to the various counties; one-half goes into the general treasury fund, amounting to about \$10,000,000 per annum.

We distribute for educational purposes \$9,000,000. We pay out for the care of the dependents in the institutions of the State an equal amount, \$9,000,000. Forty-seven per cent of the 40,000 inmates of these institutions are foreign born. I dare say that Massachusetts has a similar problem because it is an important port of entry in this country.

The paper which I have prepared deals in a general way with the conservation of resources and the conservation of mankind. It is in the line of a suggestion perhaps for argument and discussion, but it speaks only in general terms.

The people of the Aryan race in their journeyings to the westward made a halt on the shores of the Mediterranean, but their insatiable desire to explore and to advance gave their descendants possession of the country to the North. Civilization centered there for a while. The arts, science, literature, commerce and industry flourished and the race increased in form and stature; conquest, however, ruled their hearts, and today the eyes of the World gaze upon a seething cauldron of war into which untold millions of human lives are thrown. The cries of agony and despair reach to every corner of the Earth: civilization is paralyzed in contemplation of the awful carnage and devastation which echoes among the ruins of wrecked Dynasties along the shores of that inland sea.

We are crossing the threshold and entering the realms of the Age of Power—power to conquer the air and the under-sea; power to check disease and to wrest from nature her

hidden secrets; power to make the most of mind and body, to make life worth while. But if the most comfort and happiness are to be obtained and life is to become in the highest degree useful we must with Puritan prudence conserve, utilize and develop the natural resources to the highest possible extent to increase the producing power of soil, water, tree and mine. Nature has bestowed with a lavish hand and endowed our country with a climate adaptable to a hardy race.

In every walk of life there are unmistakable evidences that even blind self-interest has seen a new light—that the great majority deluded into the belief of self-importance have felt the thrill of new powers, and the victories of passiveness are stimulated by new aspirations.

A warning against the threatened or already active decadence in the lives, liberties and enjoyment of the people has taken form in many different mediums, but none so impressively as by the messages and messengers of conservation of natural resources—the betterment or preservation of mankind. These awakening advices are transmitted to us by destroyed forests, eroded soil, and waters rushing in their mad courses to the sea, causing destruction, disease and leaving a dry bed of reproach.

Human life is undoubtedly the cheapest thing which Nations have to guard: untold numbers of human beings are sacrificed in the contest for the supremacy of power. Science, art, commerce, industry, sport, all take their toll of human lives.

Conservation is not the locking up of resources, but a sacred stewardship for which there must be an accountability to the generations yet to come; nor does its domain lie wholly in soil and tree and water and mine. Obligations for human life and human endeavor rest upon those who are responsible for the operation of Governmental functions. There must be a deliverance from impending evil or destruction. Conservation must have both dignity and utility to inspire the intellectual, social and spiritual advancement of man. Its domain is to correct past indiscretion, perfect utilization and insure future accumulation in recoverable

natural resources—in other words, to protect, preserve and perfect. It means conserving National efficiency and vitalizing our population. The conservation of soil, of forests, waters, fish and game, and the conservation of men are much more than inter-related; they are inseparable, the last being paramount and the *raison d'être* of the others. Let us not be unaware or unmindful.

The true Conservationist is not a reformer—he is a restorer. It has been said reformers are like Esquimaux' dogs which must be hitched to the sledge each by a separate thong—if in one common harness they turn and destroy each other.

It too often appears that organizations and institutions are pulling in different or in divergent and frequently in opposite directions which make human progress seem discouragingly slow. Nor is the true Conservationist a panaceaist—there are human ills he cannot cure; but he must recognize there are restorers, and due consideration should be given, co-operation invited from pulpit, press and every organization, society or association which has for its object the amelioration of conditions which make for better manhood and better womanhood. The work to be accomplished is imperative; the results important.

We should be attached to the same sledge and seek the same goal by the nearest route, serving as guides or trail-markers through the morasses of want, the jungles of discontent, the quicksands of trouble and the fallen timber of waste up to the plateaus of peace and plenty for all.

Editors are more impressed than ever with the importance of spreading information about our soil cultivation, reforestation and utilization of timber, hydraulic development, scientific regulation of flow of rivers, stream purification to insure portable waters for an increasing population, for the betterment of insupportable industrial conditions for the rescue from the fate of nations whose people are today perishing because they wasted instead of conserving their natural resources.

Let us pause for a moment in this mad rush for supremacy and consider another phase of conservation—the prevention

of the insufferable waste of war—a waste industrial, economic and social and accursed in the sight of God and man. We have a part to perform in seeking means to put an end to the waste of human life, the lowering of human efficiency and the destruction of materials of human sustenance. When this World War shall have ceased—we pray God it may be soon—there will be a great readjustment of the forces which have caused war, and new conditions must be harmonized to the demands of the disconsolate people.

Within the range of my voice are the chosen representatives of nearly all the States of the Union. You are the leaders of thought and action in your respective commonwealths. A grave peril involving the well being of mankind, marking an important epoch in the history of our country is at hand. Our attitude centers in our President and a plain duty rests upon all loyal citizens to sustain and co-operate with him in maintaining National Independence.

The prosperity of the State depends upon the conservation of its citizens as much as upon the conservation of its natural resources. In a national sense conservation has a far larger and broader meaning than stoppage of waste and extravagance in utilization. Its true meaning goes deeper—it means intelligent, orderly and efficient use of all the faculties of man as applied to the solution of National problems; the promotion of social progress and general happiness that we may better gather the fruits of the Earth.

GOVERNOR STEWART—Gentlemen of the Conference, Secretary Redfield has honored this Conference with his presence. I have the honor to advise you of the fact.

FORMER GOVERNOR MANN—Mr. Chairman, I move that Secretary Redfield be invited to address this Conference, and that the vote be a rising vote.

GOVERNOR STEWART—Former Governor Mann of Virginia asks that the Secretary be requested to extend a few words of greeting.

(The question was put and the motion agreed to.)

GOVERNOR STEWART—Gentlemen, I have the honor to introduce Secretary Redfield of the President's Cabinet.

## HON. WILLIAM C. REDFIELD, SECRETARY OF COMMERCE

Mr. President and gentlemen of the Governors' Conference, you may have entire faith in the fact of brevity in what I shall say to you. It is not my thought or desire to intrude upon your discussions, but merely to perform a doubly pleasing privilege or duty this morning.

Happening accidentally to pass through the city and finding your body in conference I thought it my duty as well as privilege to pay my respects to you and in so doing to say that it comes not in a formal way, but rather not only to the Governors of great states, but to many personal friends to whom I am indebted as I look upon your friendly faces for many courtesies in times past.

Some of you I have met in your own homes. From more than one of you I have experienced delightful hospitality. Others of you I have had the pleasure of welcoming in my office at Washington, and elsewhere, and may I take this occasion to say just this personal word of thanks for all that you have been, as friends as well as governors, in the years that have just passed.

I recall one of you who comes from the shores of the Pacific, most cordial and kindly in his reception of me, and in this same old State House, in the state where I was brought up as a boy, your Governor has been most kind. So that your hospitality is far reaching and broad, it has known no section, it has known no direction, it has known no distance, but where men are honestly striving to do work of common good the hand of fellowship is widely extended and I thank you as one who has experienced that.

There are two things of which with great brevity I would like to say a word on behalf—I will not say on behalf of the administration of the national government, but as a member of it, and speaking quite offhand upon it. I need hardly say to you gentlemen who are the responsible heads of government yourselves, I need hardly say to you that the times have been grave and still are such as to require the gravest and most serious and sober thought of men. There is no time now for excitement, for rashness of speech, for that

that process in language which we sometimes call "rocking the boat." If there was ever a time in the history of America for sobriety of thought, and for restraint of speech, that time is now.

There is a cowardice of silence in which men dare not speak. There is a cowardice of language in speaking wrongly at the wrong time. Between these two extremes I believe lies the great body of sane and sober fearless American opinion.

Is there a greater spectacle than to see one of the world's greatest peoples holding itself in control? Is there a finer example to set the world than that of national as well as personal self restraint?

Is it becoming to a great nation to get angry easily? Is it any more the sign of national power than it is of personal power to have a quick temper?

If it be so then all I have learned from American history of the ultimate source of power is mistaken, for I do not read that we have been a rash people, while I am perfectly certain that we are a brave one.

With that spirit, the spirit of restraint which is not that of fear, with that spirit should we not with the same characteristic restraint in action that we exhibit in thought,—should we not be ready for an emergency of any kind which we can foresee, and for which the need may come? Should not this people at least have the tools, not for offense but for defense?

If we must carry on a policy which says that when the need shall come, then and not till then shall the army be created to meet that need, should we not at least have ready the tools with which that army is to work?

Would we run, you and I, a factory without machinery? Would you attempt to run the great state of Massachusetts without the equipment for so doing? Would you operate any business without the mechanism with which to run it? Can we defend, if any occasion for defense should ever arise, a great nation without the tools with which to do the needed and dreadful work?

These two thoughts are all I have to suggest. They are from myself. I speak for no other. Restraint in speech and

soberness of thought in a time that tries men's souls; and the need of having ready for the use that all men hope may never come, of the tools with which to do the work of defending ourselves. I thank you.

GOVERNOR STEWART—I am sure we have all enjoyed the remarks of the Secretary and on behalf of the Conference I desire to thank him.

The next paper is on the subject of the "Conservation of Natural Resources." It is by a man who lives in the western country, who knows the conditions and who knows whereof he speaks; Governor Lister of Washington.

Governors, I have the pleasure of introducing Governor Ernest Lister of the great state of Washington.

## "CONSERVATION OF NATURAL RESOURCES"

### GOVERNOR ERNEST LISTER OF WASHINGTON

Mr. Chairman and Members of the Conference of Governors: To me has been assigned, by the Committee in charge of the preparation of the program for this Conference, the privilege of addressing you on the subject: "Conservation of Natural Resources."

There is no subject before the people of the United States today of more importance, nor regarding which there is such wide difference of opinion. Representing as I do, one of the far western states, and one in which there yet remains undeveloped an abundance of natural resources, I feel signally honored in being requested to present to you my views on this most important public question.

Because of the fact that so many different phases are involved in the subject, it has occurred to me that possibly a presentation of its importance to my own state, and the degree to which, as a state, we are affected by the present federal laws and regulations, might be of interest to you. I will also endeavor to show what has been done by the state of Washington, insofar as is within its power, to properly conserve its resources and develop them along lines that will



be of benefit to the state and its constantly increasing population, and yet increase the value of those resources, so that benefits may not only accrue to the present generation, but that the resources may also be of increasing value and benefit to future generations. In the presentation I shall make, it will be necessary to deal largely in figures, which I hope will not prove to be uninteresting.

The total area of the state of Washington, including the waters of Puget Sound, which alone aggregate 2,291 square miles, is 69,127 square miles or 44,241,280 acres. The total area of forest reserves in the state is 11,660,660 acres. Of this amount 1,831,834 acres are owned by the state, by corporations or private individuals, leaving 9,828,826 acres as the actual area of forest reserves within the boundaries of the state, owned and controlled by the federal government. The following statement shows the eleven forest reserves in the state of Washington, with the gross, alienated and net area of each, in acres:

Reserve	Gross Area	Alienated Area	Net Area
Chelan.....	786,680 acres	99,152 acres	687,528 acres
Columbia.....	942,200 acres	170,068 acres	772,132 acres
Colville.....	816,000 acres	123,553 acres	692,447 acres
Kaniksu.....	370,480 acres	111,850 acres	258,630 acres
Okanogan.....	1,541,000 acres	45,634 acres	1,495,366 acres
Olympic.....	1,652,000 acres	114,061 acres	1,537,939 acres
Rainier.....	1,543,300 acres	274,715 acres	1,268,585 acres
Snoquaimie.....	1,042,000 acres	339,046 acres	702,954 acres
Washington.....	1,490,000 acres	38,829 acres	1,451,171 acres
Wenaha.....	320,000 acres	10,318 acres	309,682 acres
Wenatchee.....	1,157,000 acres	504,608 acres	652,392 acres
Totals.....	11,660,660 acres	1,831,834 acres	9,828,826 acres

The Kaniksu Forest Reserve extends into both the states of Idaho and Washington and contains a total of 835,740 acres, of which amount, as shown above, 370,480 acres are in

Washington. The Wenaha Forest Reserve contains a total of 792,000 acres, 320,000 acres being in the state of Washington and the balance in the state of Oregon.

The latest estimate of the standing timber in the National Forests of Washington, places the amount of all species, with Douglas Fir, Amabilis Fir and Western Hemlock predominating, at 85,903,000,000 feet. Since July 1, 1908, or in seven years, but 648,753,000 feet of timber has been cut from the reserves in the state. In other words, in seven years considerably less than one-eighty-sixth of the timber in the National Forests of Washington has been utilized. While the present federal policy provides for the sale of timber from the reserves, the Forest Service explains the very small cut of the last seven years as being due to the fact that timber in the national forests is for the most part more inaccessible than privately owned timber; that it is poorer in quality; that, standing on steep and rough ground it is more costly to handle; and particularly that the present capacity of logging plants is probably larger than the normal demand for lumber justifies, resulting in a relatively small demand for National Forest Stumpage.

The Olympus National Monument, located in the Olympic Forest Reserve, was created by proclamation of the president, March 2, 1909, and consisted originally of 608,640 acres. One hundred and sixty acres were eliminated by presidential proclamation on April 17, 1912, to enable certain claimants in perfecting title to their property and on May 11 of this year a further presidential proclamation was issued, eliminating 298,760 acres, leaving the present area 309,720 acres. The area of the Olympus monument has always been carried in the figures of the Olympic National Forest, and in the statement above given is included the area of the Olympic Forest. The area eliminated last May reverted to and is now a part of the Olympic Forest.

We also have in the state of Washington the Rainier National Park, which comprises 207,360 acres. A large part of the park is mountainous and could be of little or no value for agricultural purposes. In the lower altitudes, the park contains some of the largest and finest standing timber

in the Pacific northwest. By comparison with other reserves in the state, however, the area is small. Its creation into a park was, without doubt, the most desirable plan that could have been followed, as it contains seventeen glaciers and an equal number of beautiful Alpine parks and meadows, which are each year being made more available to travelers. Since the park was opened, it has been visited yearly by an increasing number of people, not only from the state of Washington, but from the eastern and middle western states, there having been approximately 18,000 visitors up to August 1 of this year or 4,000 more than during the entire season of 1914. As better hotels and camps are provided and more roads and trails constructed in the park, it will without doubt take rank with the Yellowstone and the Yosemite as one of the great national playgrounds.

The latest figures I have been able to obtain give the Indian population of the state of Washington as 11,483. The unallotted Indian lands in the state amount to 2,372,732 acres and include some of the state's most valuable farming lands. But a small proportion of the Indians in the state of Washington cultivate their lands, yet the unallotted lands in the state would give 100 acres to every Indian—man, woman and child—additional to what may have already been allotted to or inherited by them, and still leave 1,224,432 acres, a large part of which would be purchased and made productive if opportunity were given for its purchase by men who desire to till the soil and thus assist, not only in making homes for themselves and their families, but also in developing the state along agricultural lines to a degree not now possible on account of these lands being withheld from sale. As an illustration of the policy of the federal government along this particular line, I desire to cite here the case of just one Indian reservation in the state of Washington—the Colville. It is the largest reservation in the state, and still contains 1,296,336 acres or an area only 263 square miles less than the area of the whole state of Delaware. Allotments on the reservation were long ago completed. In 1906 Congress passed an act providing for opening the reservation to entry. Nine years have passed and the reservation is still

unopened. The government has a commission at work classifying and appraising the lands, but no date has been fixed for opening to entry nor has it thus far been possible to ascertain when the reservation will be opened. Yet that reservation has hundreds of thousands of acres of good land that would be put to agricultural production if the opportunity was given.

The net area of the Forest Reserve or National Forests, as they are variously called, in the State of Washington, with the area of Rainier National Park and the area of the unallotted Indian lands, makes a total area of reserved lands within the boundaries of the State amounting to 12,408,918 acres. This is an area 500 square miles larger than the combined area of the States of New Hampshire and Vermont. In other words, counting in the area of the waters of Puget Sound within the State, 28 per cent of the total area of the State of Washington is today in government reserves and from this 28 per cent not one dollar is collectible for the purpose of helping maintain the state and county governments. It might be claimed by some that inasmuch as the federal government assumes the responsibility for and protection of this property, the State has no just cause for complaint. The truth is that it is impossible for the federal government to retain control of these lands without the State being put to the cost of making many improvements through and across the reserves. Highways connecting the different parts of the State have to and are being built through or across the reserves, so that the people in the different sections of the State may be able to travel and transact business. The cost of these highways is paid by the State and by the counties and the expense borne by the property owners against whom assessments can be levied, and yet the benefits would be shared by those occupying the lands now withheld, if such lands were open for settlement.

It is true that a small proportion of the monies collected from the sale of timber cut from the forest reserves is turned over by the federal government to the counties wherein the reserves are located and from which the timber is cut. The sum is 25 per cent of the total so collected by the federal

government. The amount turned over to all of the counties in the State of Washington, under this policy, during the fiscal year ending June 30, 1914, was \$35,637.54. The government also devotes 10 per cent of the revenues of the National Forest reserves to the construction of roads and trails in the reserves. This money, however, which for the fiscal year ending June 30, 1914, amounted to \$14,255.02 is not turned over to the State or to its counties for expenditure, but is spent by the forest service on road and trail construction in places within the reserves approved by the Governor of the State. The aggregate 35 per cent, therefore, as you will readily see, amounting in all to only \$49,892.56 in 1914, is but a very small part of the actual total cost to the counties and the State for the construction and maintenance of roads through the reserves.

I do not desire to be understood as advocating the immediate disposal of all the lands now under federal control. But I do feel that the time has come when the federal government should accept and be governed by the correct definition of the term conservation. Conservation means "preservation from loss, decay, injury." It does not, however, as applied to natural resources properly mean withdrawal from use; it is simply a wise use with the avoidance of waste, and also the avoidance of ownership monopoly. I feel that such lands as are suitable for agricultural purposes, ought to be placed in the hands of the actual settlers, so that the State will be assisted in its development instead of being held back as is the case of the present time in many parts of the State of Washington, under the federal policy.

In this connection it is pertinent to refer to one aspect of so-called ownership monopoly of natural resources, which is not generally understood, and for which the States, rather than the federal government itself, are held responsible by people who are not informed on the subject. Two of the principal transcontinental railroads—the Northern Pacific and the Southern Pacific—were given enormous grants of land by the United States to enable their construction. The Southern Pacific has followed the policy of to a large extent retaining its granted lands on which there is timber. The

Northern Pacific, on the other hand, has followed the policy of disposing of its timber lands. By far the largest private owner of timber in the State of Washington is the Weyerhaeuser Timber Company. The bulk of the Weyerhaeuser timber holdings in the State of Washington were purchased by the late Frederick Weyerhaeuser from the Northern Pacific railroad and comprise timber lands which were originally given to the Northern Pacific by the federal government as a part of its grant.

#### WATER POWER.

One of the most important of the State of Washington's natural resources is its undeveloped water power, and I believe we will all agree that we are not conserving, but rather are wasting this resource, in allowing it to run on and on each day to the ocean, unharnessed and unused. We cannot, in referring to water power, say that we will refuse to allow its use at the present time so that it may be reserved for the future; for no matter to what degree it is developed, it will still have the same power capacity in the years to follow. The latest government statistics show that the State of Washington has a greater amount of available water power than any other State in the Union. The statistics place the hydro-electric power possibilities of our State at 4,932,000 horse-power, based upon 75 per cent efficiency. There has been developed in the State, up to the present time, 306,000 horse-power or approximately 6 per cent of the available total. Inasmuch as the three Pacific Coast States occupy much the same position in relation to water power and contain 43 per cent of the total water power possibilities of the United States, I am going to take the liberty of here presenting figures showing the available water power of each Pacific Coast State and also the amount now developed in each State:

State	Available Water Power	Developed
Washington.....	4,932,000 h.p.	306,000 h.p.
Oregon.....	3,148,000 h.p.	105,000 h.p.
California.....	3,424,000 h.p.	430,000 h.p.
Total for three states.....	11,504,000 h.p.	841,000 h.p.

In Washington, approximately 6 per cent of the water power possibilities have been developed; in Oregon, 3 per cent; in California, 8 per cent.

There are so many uses to which water power can be put that it is regrettable a greater development has not been possible. In our own State, water power development would make possible, as a result of cheap power for pumping, the reclamation of large tracts of what are now arid lands located at too high a level to be irrigated by gravity. We have many such tracts in Washington, aggregating hundreds of thousands of acres. I have in mind one particular tract of about 160,000 acres that could be placed under cultivation by the development of a single hydro-electric project. All that is required to make this tract as productive a district as can be found in the entire State is water—and the water can be had merely by pumping it up from the Columbia river. Electrical energy developed by water power is the only possible energy that can be utilized to put the water on the land at a cost reasonable enough to warrant irrigation and cultivation of this land. Almost any crop that will grow in the temperate zones could be produced on this tract. I will not take your time in figuring out the number of families which could be sustained on this 160,000 acres alone, if it were irrigated, but eighty acres would produce a good living for a family of five, and, with some crops, even a much smaller tract would make possible the same result.

In the State of Washington we have 5,692 miles of main line railroad and 1,694 miles of other tracks, making a total

of 7,386 miles of railroad operated within the State. I do not include in these figures the electric railways—interurban and urban—for the reason that these are now operated largely by the use of electricity generated by flowing or stored water. With development of the available water powers of the State, every mile of railroad, now operated by steam produced in turn by coal, could eliminate the use of coal and operate the hydro-electric power. It is only necessary to point out what is already being done along these lines to not only be convinced of the feasibility but also to realize that much more satisfactory service could be given. Would the owners of the railroads running into New York City return to the use of coal-made steam as motive power for their equipment? Would the people of New York City for one moment seriously consider granting to those railroads the right to again return to the use of coal? Lest some may think that such a comparison is unfair, may I call your attention to the fact that at the present time one of the greatest transcontinental railroads,—the Chicago, Milwaukee & St. Paul—is engaged in electrifying 450 miles of its main line, running from Harlowtown, Montana, to Avery, Idaho. It is certain that this company would not incur the cost involved in changing its equipment, if it was not convinced that so doing will prove a good business proposition. Speaking of this change now being made by the Milwaukee system, Mr. John D. Ryan, president of the Montana Power Company, which will furnish the power to the railroad company, in his testimony before the Senate Public Land Committee in December, 1914, said:

“The railroad will pay under the contract for power delivered over 450 miles of its road, something like \$550,000 a year. It is paying now for coal to operate its steam trains over the same line, approximately \$1,750,000 and they furnish their own coal from mines on their own road, and one-third of their equipment is used in hauling coal to themselves, whereas with electric power there is not any such waste. It will save coal in the ground and an enormous waste of money, and will be utilizing an absolutely waste product.”

Mr. Ryan also testified at that time that the Butte, Anaconda and Pacific Railroad was paying \$96,000 annually



for electric power to operate 80 miles of road, as against a former cost of \$270,000 or a yearly saving of \$174,000. This statement, by one who is well-informed on the use and cost of electrical energy, clearly shows it to be within the realm of possibility that all the railroads in our State, and in many other States, would use hydro-electric energy as motive power for all their trains, if the water power now unused could be developed. A careful estimate shows that between 700,000 and 800,000 horse power would be required to electrify all of the railroads of the State of Washington.

Not only would there be a great financial saving, but there would also be prevented many forest fires in our timber districts, the start of which is directly traceable to locomotive sparks. The elimination of the need for using equipment in transporting their own coal supplies, would make available that much additional equipment in the possession of the railroads for transporting commodities over their lines, thus increasing, without new equipment investment, the tonnage earning capacity of the railroads, not to mention a minimizing of car shortages. The traveling public, also, would greatly appreciate the change from coal to electricity on passenger trains.

The Government reports estimate that there are 19,916,000,000 tons of coal in the State of Washington. During the year 1914, 3,040,000 tons were used for all purposes. I have been unable to obtain a reliable statement showing what proportion of this amount was used by the railroads but believe it is safe to say that the railroad consumption was one-half of the total, or 1,520,000 tons. Thus, by substituting hydro-electric energy for coal, this enormous amount of fuel would be conserved for future use and in its place we would utilize energy that is now going to waste, of no service whatever to mankind.

Large quantities of electrical energy developed by water could be used in the production of fertilizers. During the year 1913, 7,000,000 tons of fertilizers, valued at \$170,000,000 were sold in the United States. For use in manufacturing this fertilizer, over \$40,000,000 worth of nitrogenous and other materials, were imported, although the bulk of

such importations could have been produced in this country, had we a sufficient quantity of cheap electric power. At the present time over 1,200,000 horse power is being used in European countries in the fixation of atmospheric nitrogen for the manufacture of fertilizers and explosives, while not a single horse power is being used in the United States for this purpose. Almost all of our supply of nitrates is obtained from Chili. Statistics show us that the Chilean supply will be practically exhausted in twenty years, after which time we will be almost wholly dependent upon European countries for our supply of nitrates, unless we manufacture them ourselves. The utilization of our water powers for the fixation of atmospheric nitrogen and for the extraction of phosphoric acids from phosphoric rocks, would produce a plentiful supply of nitric acid for making explosives to be used for the national defense, and also in the manufacture of cheap fertilizers. The greater use of fertilizers would bring about more intensive farming and larger financial returns, as well as production returns, from our farms. The average amount of fertilizer used in the United States is about 28 pounds per acre of cultivated lands, while in European countries it amounts to about 200 pounds to the acre. As a result of its use, the average yield of wheat in Europe is 32 bushels to the acre, as against 12 bushels to the acre in the United States. It is true that in the State of Washington the wheat yield is far in excess of this general average, yet it is equally true that to maintain it we ought to begin the use of fertilizers now and not wait the coming of the time when our yield, through depleted soils, shall have fallen far below what it is now. It is also true that fertilizers manufactured in Washington, or any other of the water-power States, could be shipped to States not so fortunate in water power possibilities, and assist the farmers of those states in materially increasing their average yield per acre.

In the development of water power, the investment of large sums of money is necessary. In order that investors may be interested in taking part in such development, they must be assured that they will receive a reasonable return

on their investments. Under the present federal laws, such assurances cannot be given them, and as a result there has been but little development compared with the development that could take place. Gradually the wide differences of opinion on this subject are being eliminated, and it is my hope that at the next session of the Congress, it will be possible to enact into law a measure that will not only make possible the investment of capital in many of the water power projects now waiting only the hand of man to render them useful, but a measure that will also fully protect the rights of the public. Today, most of our states have public service or public utilities commissions. To these commissions is delegated the power of fixing reasonable rates that may be charged by public service corporations. Any water power project developed within the borders of our state or any other state should be subject to such regulation. I also feel that the right ought to be reserved by the people to take over such plants, should they desire to do so, after the expiration of a reasonable time, at a fair valuation. In fixing this valuation the value of the water right ought not to be considered as an asset of the holding corporation, for it is an asset that ought to forever remain the property of the public. Its use ought to be granted only to those who are willing to develop it, upon reasonable terms, and if, at the expiration of the time fixed by law, it be the desire of the public to take over the property the investor ought to be paid upon a fair valuation basis. During the operation of the plant by private capital, a reasonable return on the investment ought to be allowed. It would seem that it ought to be possible to enact some workable law under which this, the most valuable of all our natural resources, can be put to use.

I fully appreciate that there are those who, not being informed as to what has been accomplished in the Western States, have a feeling, brought about by unfair and in many cases wholly untrue statements, that the people of the West are at all times endeavoring to get something for nothing from the federal government and that the only development in the West is that which has been brought about by taking undue advantage of the government. I feel, in justice to the

State of which I have the honor to be Chief Executive, that it will not be out of place to enumerate some of its accomplishments since its admission as a state, in 1889.

At that time the population of the State was 357,232. It had increased from a population of 75,116 in 1880, when the State was still a Territory. In 1910, the population of the State, according to the federal census, was 1,141,990, and the Census Bureau estimate on July 1, 1914, placed the number of people in the State at 1,407,865.

Figures compiled by the United States Department of Agriculture show the yield of wheat of the State of Washington, for the year 1914, to have been 41,840,000 bushels, of oats 13,959,000 bushels and of barley 7,098,000 bushels. Almost every year has shown an increase in the production of these cereals. Washington has also established itself as one of the leading fruit-growing states. In 1914 there was produced 7,442,623 boxes of apples, 692,244 boxes of pears and 1,492,003 boxes of peaches, the total value of these three fruits during that year being approximately \$7,000,000. (For the benefit of those who are not accustomed to Western standards of measurements, I would say that a box is the equivalent of a bushel.) In the production of small fruits, such as raspberries, strawberries, blackberries of the different varieties, and loganberries, the state excels. We have, located in one of the valleys of the state a co-operative organization known as the Puyallup & Sumner Fruit Growers' Association. The business done by this association in 1914 amounted to \$1,250,000. In that year it shipped out for fresh consumption 174,000 crates of red raspberries and also turned into the two canning plants owned by the association about 3,000,000 pounds of red raspberries. When we figure that a carload of this fresh fruit is 650 crates, we find that approximately 270 cars of fresh red raspberries were shipped out by the one company. The season for 1915 has just closed and the shipment of fresh red raspberries has been close to 400 cars. For fresh consumption there will be shipped out this year about 75 carloads of blackberries and there have already been sold for future delivery over 4,000,000 pounds of canned blackberries.

This co-operative company was organized in 1902 for the purpose of making shipments of red raspberries, blackberries, loganberries, currants and other bush fruits in carload lots for fresh consumption. No single grower was able to ship a carload of berries in a single day but by assembling the product of 1,500 growers it was found possible to ship many carloads in a single day. The association finances the harvesting of the berry crop for its members and now owns two canneries. Its capital stock is only \$2,500, but its surplus, as shown by the financial statement issued on December 31, 1914, is \$100,000. This is the record of but one co-operative association; yet its record is such that I feel I can truthfully say it is a model after which other organizations might well pattern. Its market extends to all parts of the United States, and it is constantly increasing and building up its business, both in production and sales.

We have many other sections in the State of Washington where small fruits are produced and marketed somewhat after the same plan as that followed by the Puyallup & Sumner Fruit Growers' Association.

The report of our State Department of Agriculture shows that the production of butter in Washington for the year ending October 31, 1914, amounted in value to \$4,859,352. For the year ending October 31, 1904, just ten years previously, the butter output was valued at only \$1,891,692, an increase in this one line of 257 per cent. At the close of the year ending October 31, 1904, there were three condensed milk factories in the State and the value of the product for that year was \$441,133. The statistics for the year ending October 31, 1914, show that we then had eleven condensed milk factories in the State and that the value of the output for the year was \$4,601,300.

I appreciate that listening to figures becomes somewhat tiresome but only by this method can the advancement and development of a state be shown. I have touched only a part of the agricultural products of the State, and before concluding desire to present to you a little information regarding another of the State's great resources—its fisheries.

The State of Washington now operates 30 fish hatcheries, 24 of which are used for the propagation of salmon and 6 for the propagation of trout. There are also a number of other trout hatcheries in the State, some of them operated by the counties and others by private individuals and organizations. The output of the salmon hatcheries for the year 1914 amounted to over 110,000,000 small salmon, and that of the trout hatcheries for the same year to over 7,000,000 young trout. When they have attained sufficient size, the young salmon are turned into the rivers and streams, from where they make their way into Puget Sound and the Columbia river and from there into the Pacific ocean. When they reach maturity they return from the ocean into the Columbia or the Sound, and endeavor to make their way to the point where they originated, to spawn, this being one of the peculiarities of the salmon. When they arrive in Puget Sound or the Columbia river, they are caught in one or another of the different types of fishing appliances, canned and then shipped to the four corners of the earth to furnish food for untold millions of the world's population.

We are each year adding to the efficiency of our fisheries department. During the two years just passed, the capacity of our fish hatcheries has been increased 50 per cent., and will be still further increased. In the year 1913, the value of the canned salmon produced in the State of Washington was approximately \$13,000,000 while the value of salmon preserved in other ways was \$2,278,667. Without doubt the value of the fresh salmon produced that year, in connection with that which was caught but covering which no report is made to our fisheries department, amounted to not less than \$5,000,000, making a total value for the year 1913 in excess of \$20,000,000. The world's supply of salmon comes almost entirely from the States of Washington and Oregon, and the Territory of Alaska.

We take pride in our fishing industry. There is no State in the Union having as good laws regulating fisheries as are those of the State of Washington. Under our laws a closed period is provided during each week of the fishing season. This gives the salmon an opportunity to get past the traps

and other catching gear and reach the spawning grounds. Thus the State gives nature a fair chance to help maintain the supply. Our laws also prohibit fishing entirely during other seasons. Fish traps cannot be placed within 2,400 feet laterally or 600 feet endwise of one another. The length of traps is limited to 2,500 feet and they cannot be constructed in water of greater depth than 65 feet at low tide.

About a year ago an inquiry was made of one of the high officials of the federal fisheries department at Washington City as to what laws, if any, had been enacted for the protection of fish in the Potomac river. He stated that no law looking toward the protection of fish had been passed by any of the states having jurisdiction over the waters of the Potomac and its tributaries. He also stated that there were about 4,000 traps in the Potomac river and its tributaries and that there was no provision of law regulating the construction and operation of fish traps; that as a matter of fact the lead of one trap joined on that of its neighbor; and he particularly stated that across the delta of the Rappahannock river a solid line of traps existed across the entire mouth of the river. Inquiry of him as to how the fish got by the traps and reached their spawning grounds brought forth the reply that they did not get to their spawning grounds. He deplored the laxity of the laws regulating those rivers, but said it seemed impossible to accomplish any improvement of conditions.

It is a lamentable fact that the fish in the Potomac river, almost under the Dome of the Nation's Capitol, are absolutely without protection, and is it not possible that the same condition exists in many of the other eastern rivers?

We of the State of Washington believe that the true conservation policy is being worked out in connection with our fisheries. We are not only making possible the use of the fish today, but we are also laying foundations deep and strong, looking to a still greater development of the fisheries industry for the benefit of those who will follow us.

For the use of the common schools of our State, sections sixteen and thirty-six of every township were transferred to it by the federal government on its admission to statehood.

There have been surveyed and transferred to the State for the use of the common schools 1,625,837 acres. Other lands granted and transferred to the State bring the total up to 2,573,679 acres and consist of Indemnity Lieu lands, lands for Scientific School purposes, Capitol Building, Normal Schools and Agricultural College lands and lands for the support of Charitable, Eleemosynary, Penal and Reformatory institutions. Up to October 1st, 1914, only 307,929 acres or a little over 11 per cent of the total received by the State, had been disposed of to private owners. The proceeds from the sale of these lands, excepting those transferred for Capitol building purposes, are invested, under the provisions of our State constitution, and cannot be loaned to private individuals or corporations, but may be invested in national, state, county, municipal or school district bonds. In the investment of these funds, the State Board of Finance, which consists of the Governor, the State Treasurer and State Auditor, has at all times given preference, in the purchase of bonds, to school districts. On June 30th of this year we had on hand in these permanent funds \$12,170,936.54 of which amount \$11,642,928.62 was invested in bonds, and \$528,007.92 was cash on hand. Bids were outstanding on bonds sufficient to cover practically all of the cash on hand. There is no fixed rate of interest, this being left to the judgment of the State Board of Finance. The average rate of interest received on all of the bonds purchased by the Board is a little more than  $4\frac{3}{4}$  per cent. With but a little over 11 per cent of the lands sold and over \$12,000,000 in the permanent funds now, the possibilities of the funds when all of the lands shall have been sold were very large and the interest received as a result of the investment of the monies will go a long ways toward meeting the cost of operating the schools of the State, thus materially reducing the amount the tax payers of the state will be called upon to pay for these purposes by general taxation.

The framers of our state constitution acted wisely in preparing and adopting that portion of the constitution relating to state lands, and as these sections are short I will take the liberty of here presenting them. As a result of the wise



judgment of these men, the State of Washington has been able to withhold the sale of its land in large tracts to one person or to corporations, has already accumulated a large permanent fund, and still has in its possession about 89 per cent of the lands. The constitutional provisions of the State of Washington, on the subject, are as follows:

#### “ARTICLE XVI.

“Section 1. All of the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of, unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States [in any case in which the manner of disposal and minimum price are so prescribed] be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

“Section 2. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder; and the value thereof, less the improvements, shall, before any sale, be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid shall be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of improvements thereon shall be excluded. Provided, that the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the legislature.

“Section 3. No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: Provided, that nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: And provided further, that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.”

We are not allowed to sell our timber lands on time, to timber buyers.

“Section 4. No more than 160 acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city, or within two miles of the boundary of any incorporated city, where the valuation of such lands shall be found by appraisement to exceed \$100 per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block and not more than one block shall be offered for sale in one parcel.

"Section 5. None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds."

I believe the language of the constitution of the State of Washington clearly shows that its framers had in mind in the year 1887 what true conservation of the state property meant.

I have gone into this detail regarding our permanent funds so that you may see that the State of Washington is endeavoring to dispose of its lands in a way that will build up funds from which, when invested, the interest will materially reduce the burden of the tax payer, not alone, now, but for all time.

In conclusion, may I say that I hope I have been able to show, in the time I have taken, that the people of the West have a keen appreciation of the true meaning of Conservation; that theirs is not the desire to ruthlessly and wantonly destroy, but rather to do that which will make possible the use of our natural resources to the fullest degree by the present generation, ever keeping in mind that it is our duty to not only conserve those resources, but also to develop them in a manner that will make it possible for us to turn them over to future generations capable of better service as a result of the development brought about during our day and generation.

The question is one of such vast importance that it ought to be possible for those entrusted with authority to meet on the broad ground of public good, eliminate differences of opinion on matters too small to be worthy of serious thought, and enact into law measures that will make possible a development greater during the coming 10 years than has been brought about in the past 30 years. All of which will add to the strength of the nation and redound to the benefit of its people.

GOVERNOR STEWART—Gentlemen, I am sure we have all been instructed and entertained by the able address of the Governor from Washington. The next paper is on a subject somewhat different, but perhaps can be heard to ad-

vantage at this particular time. The paper is by former Governor Gilchrist of Florida on "Technicalities of the Law."

## "TECHNICALITIES OF THE LAW"

### FORMER GOVERNOR GILCHRIST OF FLORIDA

Mr. Chairman, members of the Governors' Conference, ladies and fellow citizens: The first great trial recorded in history is the trial of Adam and Eve, charged with eating the Forbidden Fruit. Adam's plea was "The woman whom Thou gavest to be with me, she gave me of the tree and I ate it." The Great Ruler of the Universe was judge, jury and the pardoning board. Adam made a double plea, first, "The woman whom Thou gavest to be with me." For which gift of course he was not responsible. If she had not been given him she never would have asked him to eat the fruit. Then again there is the implied plea that he was under obligation to please his wife, as is stated by the high authority, St. Paul, Chapter 7, Verse 33, Corinthians, "But he that is married is careful of the things of the world, how he may please his wife." Verse 32, "And he that is unmarried is careful how he may please the Lord." Adam was not responsible for the gift and he intimated the Giver was. If that should fail he showed that he was under a power superior to that of mere man, like himself. "She gave me of the tree and I ate it."

While not denying the charge, Eve cast the blame elsewhere, stating, "The serpent beguiled me and I ate it." "She saw the forbidden fruit was good for food." "A delight to the eyes." "And to be desired." It did not take much to tempt Eve to do that which was "to be desired" and "a delight to the eyes." She risked the consequences. The serpent said nothing. He was not arraigned. Without a word he took his punishment. "Upon thy belly shalt thou go." He probably did not lick out his forked tongue, well knowing that even a governor sometimes "wiggles in and

wiggles out" upon his belly, it being difficult to tell sometimes which way he is wiggling. One of the consequences to the female sex of this first violation of law is sometimes violated now—"And he shall rule over thee."

In the decision, technicalities played no part. Swift punishment followed the first violation of law.

In the trial of Jesus, the great Saviour of man, the Judge and the Jury, represented in Pilate and in Herod, courts of equal jurisdiction, "Found no fault in this man, touching these things whereof you accuse him." Pilate, the Judge and the Jury, even washed his hands before the multitude, saying, "I am innocent of the blood of this righteous man." Pilate also disregarded the wishes of his wife, who sent word unto him, "Have thou nothing to do with that righteous man; for I have suffered many things this day in a dream because of him." Unlike Adam, Pilate was not "careful how he may please his wife." He was more afraid of the populace than of her. The court and the jury was intimidated, "If thou release this man, thou art not Caesar's friend; every-one that makes himself a king speaketh against Caesar." This was worse than any recorded instance in which Judge Lynch has acted. I have never heard before or since, of a case in which a prisoner, on account of fear on the part of the judge and jury, was deliberately lynched by a mob.

In the case of Shylock, it is shown that Bassanio needed 3,000 ducats in order that he might appear in great style before Portia, whom he had never seen. Bassanio's "only wealth ran in his veins." He was a "gentleman." His "wealth" also ran in his "cheek." He was to win her by proper selection of one out of three caskets. Antonio borrowed the money for his friend Bassanio, pledging as a forfeiture a pound of flesh "to be cut off and taken in what part of his body" which pleased Shylock, same to be paid within three months' time. Bassanio with great pomp appeared before Portia, evidently making a great mash, as is shown in the following: "One-half of me is yours, the other half yours, mine own I would say; but if mine and yours, say all yours." Fortunately for the woman that proposition does not hold good in this day. It is even sometimes re-

versed. He met success in the leaden casket. He turned down the casket of glittering gold and the casket with "the pale but common drudge between man and man," silver, taking the "meager lead, which rather threateneth than dost promise aught." "The paleness moves me more than eloquence."

The ships of his friend Antonio sank in a storm. He could not pay the ducats at the time stated. Shylock therefore demanded a pound of flesh of Antonio. Portia offered to pay several times the amount involved. Shylock claimed, "It is my humor to take the flesh rather than the money."

Bassanio, poverty stricken, risked the life of his friend to make a great splurge before, and a mash on, a lovely, cultured wealthy woman, knowing that the chances to win her were one out of three. Shylock wanted the fulfilment of the bond to rid himself of what he considered an enemy. Which was the better character? Portia as a woman lawyer, "A Daniel come to judgment," gave Shylock, a money lender, the opportunity of obtaining "right and justice,"—an immense return upon his money. Shylock preferred the technical enforcement of the law, and he got it,—in the neck.

In practically all of our states, there is in the constitution or in the Bill of Rights, which is a part of the constitution, the following: "No person shall be deprived of life, liberty or property without due process of law." "Right and justice shall be administered without sale, denial or delay." When "right and justice" butt up against "due process," "right and justice" usually go "way back and sit down." The result of which is that people refuse to submit their cases to "due process of law," if it is possible to compromise the same by losing not more than one-half. In criminal cases, Judge Lynch is too often enthroned as the presiding judge.

In 1873, the Parliament of England passed a law authorizing the High Court of England to regulate all matters of pleading and practice. The rule adopted was substantially the same as that recommended years afterward by the American Bar Association, quoted below. As the result of this English rule, Judge Charles Amydon, of the United States District Court of North Dakota, in an able speech,

several years ago, stated, "No cause has appeared for the second time in an Appellate Court of England for more than 30 years." "During the last 75 years, nowhere in the British Empire has a man been snatched from the custody of the law and sacrificed to mob violence." Burns well says, "It's the fear of Hell that holds the wretch in order." It is the certainty of punishment which operates as a preventive of crime.

In 1908, a committee of nine able lawyers recommended to the American Bar Association the adoption of certain amendments to the laws of the United States. The recommendations were adopted and a committee appointed to present the same before the proper committee of Congress. The first of these is substantially the same as that previously adopted by the English Court:

"No judgment shall be set aside or reversed, or new trial granted by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, unless in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has resulted in a miscarriage of justice."

In England, the courts rarely reverse a case. They examine into the evidence. If necessary they secure evidence from the witnesses, etc. Justice is quick. "Right and justice" there is the most important part of "due process of law." Here it is hardly a shadow of "due process." Some might claim that the courts act as a jury. Every Appellate Court acts as a jury when it is claimed the evidence does not justify the verdict. I advocated such a law in my campaign for governor. I recommended its passage to the Legislature of 1909. No attention was paid to it. I took the ground, then, that the governor as executive, should not try to influence the members of the legislature, the three departments, the executive, legislative and judicial, being separate. After that legislature adjourned, I commenced a new fight for it, speaking along that line, and also about the sweet potatoes, corn, oranges, tomatoes, etc., at county fairs, and whenever opportunity offered. It has been claimed that

the Supreme Court of Florida was not technical and therefore no such law was necessary. I quoted, in rebuttal, several decrees of the Supreme Court of Florida, among which was the following: A man had been convicted of stealing a cow. The evidence was conclusive. The Supreme Court reversed the judgment of the lower court and awarded the defendant a new trial on the ground that the information charged the defendant with stealing a "cow" on a certain day from a certain party, while the evidence introduced at the trial showed that the defendant on the same day stole a "steer" from the said party. This was held by the Supreme Court to be a fatal variance between the allegations in the information and the proof on which the verdict of guilty was obtained. Of course a new indictment was necessary. Whether the statute of limitations of two years prevented such I do not know. In commenting on this case, I stated to the Legislature, there is no telling what would have been the decision of the learned court had the "cow" turned out to be a "bull." I said this looks to me like kidnapping justice. For some time there was a coldness between the two ends of the Capitol. I mean no reflection on our Supreme Court. They are high-toned, honorable men. They just look at some things in a different light from a layman, like myself.

I again recommended the passage of this English law, to the Legislature of 1911. I drew up the bills, placing one in the House and one in the Senate. I said the Governor speaks to the Legislature by message; he votes aye in approving a bill. He votes with a one-third vote when he vetoes, and I was a Veto Governor. I said the governor is a member of the legislature. I happened to state this to a Senator. He showed me a decision of the Supreme Court of Florida to this effect. I sent a copy of this decision, by special message, to the legislature. I then became a member of that legislature. The Judiciary Committee of the House reported adversely upon the bill. The Senate passed it. When the House bill came up in the House, I advised the gentleman in charge of the bill, upon the motion to indefinitely postpone, to call for the ayes and nays. The bill was killed. Having the Senate bill still on the House calendar and reported un-

favorable, I commenced to work on the "nay" vote. I saw one, two or three members each day. Finally I said to the member in charge, call it up and it will pass by twenty-two to forty-five, being two-thirds and one over, some being absent, although only a majority was necessary. It was passed by nineteen to thirty-nine, being two-thirds and one over. That shows what work will do. It is practically a dead letter because, I reckon, so many other features and precedents of the courts and laws throttle it. I mention the work necessary to pass it to show the difficulty of accomplishing results. It ought to be put into the constitution of every state, as has been done in California. President Taft, President Roosevelt and the American Bar Association, recommend the passage of such an act by Congress. If put into any constitution, it will require much work to pass it in the legislature. The judiciary committee of one of the other branches is sure to oppose it. Every little squabble between man and man has to be settled by some outsider called lawyers or attorneys. In medicine, when you need a certain dose, the doctor used to call it H 2 O plus Na Cl. Now they call it "salt water." If you have now a little sickness, you can buy five cents worth of pills or ten cents worth of some other medicine and proceed to cure yourself. It will take hard grinding work to get the legislature to pass any such remedies. In Chicago, when \$100 or less is involved, they have passed some law by which "due process" can be obtained by each party to the suit going before the court and stating his case with the evidence, without the necessity for outsiders, "due process," being so simple. This is about the only instance I know of in which a sick layman can get five or ten cents worth of legal pills without having to pay a law doctor \$10 to \$25 or \$100 for the prescription. The law should be so simplified that the ordinary affairs could be settled, in court if need be, without "due process" overshadowing "right and justice." It might be well to amend the Declaration of Rights, or the Constitution, so that every judge will have to swear "right and justice" is the essence of the law, and that "due process" is intended to assist in securing such, not to prevent it.



The American Bar Association proposed also the following: "The trial judge may in any case submit to the jury the issues of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error, shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point may require."

Anyone can see at once the necessity for some such laws. Consider two, three or four of the best legal talent in the country studying for weeks and months to get up fifty to one hundred fine points on which to "except." Consider a poor trial judge with but little time in which to examine all those fine points, the judge having been appointed often on account of "political reasons," or if elected, because he was a good hand shaker, or because he favored some new political dogma, he never having practiced outside of a justice of the peace court. The difficulty of a boy catching a bird by putting "salt on his tail" is to find the salt, the willing bird and the tail, all at the same time. There too often sits the poor trial judge, salted down, tail and all, ready to be trapped. Bacon was probably thinking of such when he wrote "Laws are like spider's webs; the strong break through, the weak are caught."

I understand that the House of Representatives, Congress of 1909, passed a bill embodying these recommendations. I understand that it never passed the Senate. As the law now is, in the various states, the Appellate Court might reverse the lower court on a question of law, the question of fact having been determined by the jury. The case then comes up for trial on both question of law and the facts. In the meantime, many of the witnesses by whom the facts were established have died or moved away, or have forgotten, or have been "induced" to change their statements.

The recommendations of the American Bar Association also provided that: "No writ of error returnable to the Supreme Court shall be issued in any criminal case, unless a justice of the Supreme Court shall certify that there is

probable cause to believe that the defendant was unjustly convicted." Similar provisions were made for writs of error returnable to the circuit courts. But few of our states have such provisions.

Section 1698 of the General Statutes of Florida, referring to civil cases, states that all writs of error "shall issue on demand as a matter of right," etc. Section 4045 states that "writs of error in criminal cases shall issue as of right."

Under the laws of Florida, and it is more or less true, with some variations, in other states, if an attorney so desires, it is almost impossible to secure final judgment in less than seven or eight months from the date of the conviction, and in some instances before eleven or twelve months. In case of a death sentence, say, all that is necessary for the attorney to do is to take exceptions. Exceptions being overruled, sixty to ninety days are allowed in which to prepare a bill of exceptions. At the end of such time no writ of error is sued out. The governor issues the death warrant, returnable within a reasonable time, say three or four weeks. While governor, I found out that if there are three or four weeks from the date of the death warrant to the date of the execution, the condemned man was more liable to become insane or to pretend lunacy than he was if you allowed him three or four weeks before issuing the death warrant and then allowed only two or three days from the date of the warrant to its execution. Just before the date of execution, a writ of error is sued out as a "matter of right." This writ is returnable to the Supreme Court at its next term "unless the first day of said next term shall be less than thirty days from the date of the writ, when it shall be returnable to a day in said next succeeding term, more than thirty days and not more than fifty days from the date of the writ." Then the attorney-general has thirty days in which to make a reply. Then the attorney for the defendant has twenty days. If the Supreme Court is ready to hear the case at once, it thus takes seven or eight months at the shortest time to hear any such case. Suppose the writ of error is taken out at the beginning of a term, returnable to the next term, six months distant. It thus appears that fully eleven or twelve

months may be necessary in order to hear the case. In the event the case should be reversed on a point of law, by the time the case is tried again the witnesses who have testified as to facts have died or moved away or have forgotten. The facts in the case, as well as the law, are at issue in the next trial. Then, according to "due process of law," not on account of "right and justice" but for some error for which the attorney is responsible, another long drawn out trial is obtained, involving not only questions of fact, but questions of law. If a verdict of guilty is again obtained, it goes before the Supreme Court again. Can you wonder that on account of the "due process of law," Judge Lynch acts "without due process of law?" How much saner would it be, before granting an appeal to the Supreme Court that at least one member of the court would have to be convinced before an appeal could be taken that "there is probable cause to believe the defendant was unjustly convicted." This should also apply to civil cases.

In Chapter 192, Laws of 1909, Wisconsin adopted substantially the first section recommended by the American Bar Association, the same being that practically adopted by the English Court. In Arizona, Indiana, Kentucky and Ohio the practice is that a case will not be reversed upon appeal unless it appears to the Appellate Court that the judgment of the lower court resulted in an injustice.

In his message to the legislature of New York in January, 1910, Governor Hughes wrote, "I urge upon your attention the importance of simplifying the procedure of our courts." He referred also to the necessity "to reduce the importance of technicalities in litigation and to facilitate the speedy disposition of causes upon their merits."

Except in some urgent instances, usually, a governor's recommendations do not amount to a "row of beans," unless he follows them up with bills embodying the various recommendations. At my request, the President of the Senate and the Speaker of the House added to the list of standing committees, a committee on the Governor's Message. Drawing up the bills myself or having them drawn up, I would get the chairman of such committee to introduce such bills, or better

still, I would often get some one else to introduce them and have them referred to that committee, whenever it could be done.

In his message to Congress in December, 1909, President Taft approved the recommendation of the American Bar Association, stating, "The cruelty exhibited in lynchings is directly due to the uncertainties and injustice growing out of the delays in trials, judgments and executions thereof by our courts." President Roosevelt also favored simplification of the laws. He would have been "dee-lighted" to have seen such. Other distinguished authorities might be mentioned.

During the past week, Senator Elihu Root, before the New York Constitutional Convention, then in session, stated that he had been informed that a certain lawyer had declared he could keep a case in court for seven years. Just think of such a perversion of justice.

Governor Mann of Virginia said here, "In Virginia the people love the law. Thus right and justice is the aim of the law and not due process."

Our courts too often prefer the flickering and uncertain light of the tallow candles of precedent of years ago, to the electric light of "right and justice."

In one of the great cases which has been before the public for fully nine or ten years, the question has largely been as to which set of alienists could outswear the other. One employed set would conscientiously swear that the man was crazy, and the other employed set would conscientiously swear the man was not. In the opinion of some of the American people, the party was simply jealous, having also probably taken a glass or two of wine. Hundreds of thousands of dollars and thousands of tons of paper and printer's ink told this wondrous story for nine or ten years. It took more space in the papers than "The War" does now. I learn that if a person is ever even temporarily insane, having murderous tendencies, that it is never safe to trust him. If the law were such that every person declared insane, who had murderous tendencies, could never be released from an insane asylum, there would not be so much temporary insanity before the courts. Every Governor here probably,

had to deal with the "method" in the madness of convicted criminals.

In a recent case in the great state of Georgia, heard all over the United States and accounts of which were read by millions of people, the representative of the party convicted of crime asked that the party convicted be allowed not to attend court at the time the verdict of the jury was returned. To this the court agreed. Afterward, the Supreme Court of that state and the Supreme Court of the United States, had to decide the momentous question as to the great damage done that individual by the court in agreeing to the request of his representatives. There is not a man, woman or child in the United States who believes that his person could possibly have been damaged by simply being absent from the court, at practically his own request, at the time the sealed verdict was read.

It once occurred in my state that a man was tried for a very serious penitentiary offense. The court, of necessity, had to adjourn Saturday. Some time Friday, too late for another trial at that term of court, the attorney for the defense announced that the indicted man had not been arraigned. Although sitting there all the time, he had not said whether he was guilty or not guilty. The court promptly ordered a postponement of the case to the next term of court, six months distant. My recollection is, that was the final ending of the case. The party was really so seriously damaged that the case never came up again. To anyone, not versed in the law, it would have appeared that the prisoner could then have pleaded "not guilty" without damage to himself. Or he could have pleaded it at any time before, and failing to do so, he had waived that privilege. If he could show he was really injured, which of course he could not, he was of course entitled to a new trial.

Now in conclusion: Laws are the transportation agencies on which "right and justice" are supposed to travel. These agencies are too often bound hand and foot backed by writings, precedents and decisions of hundreds of years ago. How could transportation men handle the billion bushel wheat crop or the seventy-five or hundred thousand cars of fruits

and vegetables from Florida, if they depended upon the ox-car of even a few years ago? The transportation people improved transportation. Of course the doctors as a whole did not make medicine so easy so that in many cases one could cure himself by buying five or ten cents worth of pills, experts, doctors, being used for more serious cases. You would hardly expect lawyers as a whole to fix the laws so that most anyone could cure himself with a five or ten cent package of law pills. The legal profession represents the salt of the earth. A high-toned lawyer is invaluable in any assembly. You often trust to him, life, honor and property. Before doing so however, it is best to ask how much he is going to charge you. The lawyer must be chief justice, must be member of all the Supreme Courts, Superior Courts, Circuit Courts, Criminal Courts, Chancery Courts, County Courts, City Courts and every other sort of conceivable court except Justice of the Peace Courts. Lawyers must be attorney-generals, state attorneys, county attorneys, city attorneys, etc. They usually persuade the people that at least three-fourths of the members of the United States Senate and United States House of Representatives must be lawyers. In deference to you gentlemen present, half of whom at least are lawyers, I would say they make pretty good governors.

It seems to me it ought to be the special duty of lawyers, who of necessity and by persuasion, hold these high places, and who must know the inequalities and irregularities of the law, to earnestly and sincerely work to simplify them so that when "right and justice" butt up against "denial," "delay" and "due process of law," "right and justice" will not have to "go 'way back and sit down."

GOVERNOR STEWART—Brother Governors, there is a paper prepared and sent in by former Governor Hawley of Utah. It is in the possession of Governor Spry of Utah. He will not read it, but will make a statement in reference thereto. Governor Spry of Utah.

GOVERNOR SPRY—Mr. Chairman, I would like very much to read the paper by Governor Hawley, because of the fact that Governor Hawley is so well known to the gentlemen of this Conference, and there has always been such a degree of

confidence placed in his integrity as also in his ability that I am very well satisfied that did time permit the gentlemen of the Conference would be delighted with his views.

Governor Hawley regretted very much his inability to be here, and I regret very much to say that his inability is because of the serious illness of Mrs. Hawley, and he sent the paper down to me at Salt Lake City, asking that I take charge of it. The paper is a very elaborate discussion on the subject of state control of water power. It is written in a very scholarly manner and from a legal viewpoint is very convincing. But I do not desire to trespass upon the time of the Conference and so ask leave to submit the paper to the secretary that it may be printed in the proceedings of this Conference.

GOVERNOR STEWART—If there are no objections the paper will be submitted to the secretary and printed in the report of the proceedings of the Conference, with the admonition that all of the Governors read the same for themselves.

(No objection was made.)

It has been suggested that in view of the fact that the time is short for discussion, we now proceed to the question of Preparedness, and that we adjourn to the House of Representatives perhaps. I will ask Governor Walsh, who is in charge of these matters, to explain to you what he thinks is the best thing for us to do at this particular time.

GOVERNOR WALSH—Assuming that the Governors do not care to take any further time for the discussion of these excellent papers on Conservation, I would suggest that we now adjourn to the House of Representatives; that Governor Manning take the Chair, and that we hear Governor Fielder's paper on the Relation of the State to the National Defense.

I suggest that because the Sergeant-at-Arms informs me that this morning a great many people were turned away from the galleries. They desire to hear this subject discussed by the Governors. There are a large number of persons in the corridors. If there is no objection I suggest that we immediately adjourn to the House of Representatives.

(No objection was heard.)

GOVERNOR STEWART—We stand adjourned, to immediately convene in the House of Representatives.

## "STATE CONTROL OF WATER POWER"

EX-GOVERNOR JAMES H. HAWLEY OF IDAHO.

I realize but little new can be said upon this matter, so often and so fully presented during the past decade, by many earnest, capable and deeply interested man, who had given it most careful study.

To my mind, the subject presents two phases: First, a broad question of constitutional law, involving the great potential interests dependent upon the control of the public lands and the unused water power, not yet reduced to private ownership; and, second, a question of sound public policy equally important to the states directly affected and to the Nation.

Upon both questions a seemingly irreconcilable conflict has developed; theories directly antagonistic are urged. There is apparently no middle ground upon which the contenders can meet, and there weld their divergent views into a common idea.

To my mind, the contest, though peaceful, is upon principle equally important as was the awful conflict between the states in the early sixties; then was involved the preservation of the Union of the states; now, the indestructibility of the states themselves.

I assume, without special reference either to constitutional provision or the many decisions that could be cited, that under the Federal Constitution the power is reserved to the states to control the appropriation, flow and use of the waters of the state, except of navigable streams so far as their use for purposes of commerce is concerned; could a doubt in reference to this be entertained it would quickly be resolved when we remember the declaration of the legislatures of the several territories, consented to by the Federal Congress with full power to repudiate such action, and confirmed by the Congress consenting to the admission of the arid states with constitutions asserting the right of sovereign control of such waters for the benefit of their inhabitants.



The right to use the waters means the right to use the abutting lands necessarily involved in perfecting such use. The conditions existing in the arid regions and mining sections of the West have since their first development necessitated the use of the nearby waters, and made it equally necessary to have the right of way over the adjoining lands for the conduits used in conveying the waters to the farm or mining claim. Ordinarily, the places of diversion were in localities where the land was of no intrinsic value and, therefore, remained as the property of the United States.

The Act of 1866 embodied in the Revised Statutes of the United States as Section 2339, was the first Federal legislation upon the subject, and did "Grant, acknowledge and confirm" the right of way for the construction of ditches and canals over the public lands, "whenever by priority of possession, rights to the use of water, for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized by the local customs, laws and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same."

But rights of way over the public lands do not depend upon the quoted section acknowledging the right to their use, as it is evident from its reading that the section only intended recognition of the right of the local laws to deal with the subject. These local laws, of the various states and territories of the West, differed only in minor matters, the great underlying principle of them all being the right to acquire by appropriation, diversion and beneficial use, the waters of the streams involved, and an easement over the lands necessarily crossed by the conduits conveying the waters of the stream to the place of intended use.

The sovereign control of the waters within their territorial limits concededly being in the states, and an easement over adjoining lands being necessary to utilize such waters, and such easement having from time immemorial been recognized by the United States, either by acquiescence or statutory enactment, is there any authority on the part of the general government either through future legislation or by action of

its officers under existing statutes, to prevent the full use of such waters under the statutes of the states affected, by reserving the ultimate ownership of the lands necessary to be used in the development of hydro-electric energy, and preventing the use by the state or under its laws of its waters for such purpose?

To my mind, this important question can only be correctly answered after conclusion is reached as to the nature of the general government's ownership of the lands.

Concede, as we must after reading the decisions of the Supreme Court of the United States upon the subject, that all the public lands are held by the United States in trust for the people of the whole country, and that Congress alone must determine how that trust shall be administered, still such ownership of the land cannot justify an attempt to exercise ownership over the waters of the stream to which such land is riparian.

To determine the proper policy to be pursued in the disposition of such lands involves a question which I will later argue. The ownership of the water being undoubtedly vested in the states, and the water power of most of the intermountain states being their most valuable asset, an arbitrary refusal on the part of the United States to dispose of such lands so that they can be used by the owners of the water, will in many cases render such water valueless because it cannot be otherwise utilized for power purposes, and places the general government in such position that it can coerce the appropriator into abandoning his property or receiving but small benefit therefrom. The government as effectually "holds up" the unfortunate developer as does the highwayman who takes his victim's property while covering him with a gun.

That there is being made a deliberate attempt to deprive the states of the control of the flowing waters within their boundaries is apparent to all who have examined the bill now pending in the Senate of the United States generally known as the "Ferris Bill." This act, originating in the House of Representatives, was there favorably considered, and upon being sent to the Senate was referred to the Public

Lands Committee, and after exhaustive hearings was amended in many particulars and by the majority of the committee favorably reported, and is now on the Senate calendar awaiting the early action of that body at the fall session.

This bill is entitled "An Act to Provide for the Development of Water Power and the Use of the Public Lands in Relation thereto, and for other Purposes."

Referring only to those matters which are necessary to illustrate the points I am attempting to make, Section 1 of the bill authorizes and directs the Secretary of the Interior to lease to citizens, associations of citizens, or corporations, any part of the public lands, not including national parks or military reservations, for a term of 50 years for the construction, maintenance and operation of dams, power houses, water conduits, transmission lines and other necessary or convenient works for the development and utilization of hydro-electric power; and providing that no lease shall be granted without the applicant has first obtained the right from the state or states wherein said project is to be located to sufficient water to develop the power intended to be generated by the proposed project.

Section 3 of the bill confers upon the Interstate Commerce Commission the power to regulate and control service, rates, and stock and bond issues, when the lessee operates a system extending into two or more states. Section 5 gives the United States the right to take over, after not less than three years immediately prior to the expiration of the lease all the property dependent wholly or in part for their usefulness upon continuance of the lease granted upon payment made in the manner therein provided, and Section 6 provides that after the expiration of the original lease the Secretary of the Interior may lease the lands to the original lessee or to a new lessee upon such terms as he shall prescribe, but conditioned that the new lessee shall pay for the properties as provided in Section 5 of the Act. Section 8 authorizes the Secretary to fix the rental charges and provides that 50 per cent shall be paid to the state wherein the use is situated, and 50 per cent into the reclamation fund, or in case of rental of lands

within an Indian reservation, placed to the credit of the Indians of such reservation. Section 9 gives the Secretary full power to regulate rates and service in states where there are no Public Utility Commissions. Section 10 provides for the sale of lands reserved as power sites, subject to the sole right of the United States and its lessees to enter and occupy such parts of said lands as are used for power purposes.

The minority of the Committee to whom this bill was referred, pointed out very clearly in their extended report the many evils that would result from its passage. Without referring to these at length, but appreciating their importance in their entirety, it strikes me the most vital objection to this bill is to that provision of Section 7 which permits the Secretary of the Interior to choose the agent who shall be in charge of the public use within a state; that portion of Subdivision 8 which authorizes the Secretary of the Treasury to fix such charge under the guise of rental as he may deem proper for the use of the public land and to base this charge, not on the reasonable rental value of the land, but on the amount of power developed and sold by the lessee regardless of where such power is developed, thus making the charge an excise tax on the industry instead of compensation for the benefits enjoyed; and the provision of Subdivision 9 permitting the Secretary of the Interior to regulate the service and the rates to be charged for service and the issuance of stocks and bonds by the owner of the plant, in states where there are no Public Utility Commissions, which authorizes the Federal Government to determine whether or not a state is properly controlling its public service and permits the Federal Government to assume the control, if it does not approve of the state's methods.

In all these respects, this act is in the exercise of governmental powers, and in its application to intra-state uses, is in the exercise of powers not delegated to the government of the United States by the Constitution, unless the government's authority can be stretched to cover these things by virtue of its ownership of the public lands.

I concede that the general government has full power of regulation and control of matters of this kind devoted to

interstate uses, but laws conferring such control should be uniform in their nature, and we find absolute lack of uniformity in that the act itself applies only to the use of the public lands, and thus leaves free from regulation exactly similar industries, operated under identical conditions except that private land instead of public land is used in the conduct of such operations.

No serious attempt is made by the friends of the Ferris Bill to deny that by this legislation it is intended to vest in the government of the United States powers which have heretofore been exercised wholly by the states. The main argument used in favor of the bill is one of expediency. Its friends say the public domain constitutes a great asset which should be held for the use and benefit of the whole United States, rather than of any particular section; that this great asset has been grossly mismanaged and the industries built up through the use of the public lands have not been properly governed and controlled, and the necessity exists for drastic action securing a change in such conditions. If these conditions exist, and probably there is ground for so believing, they should be corrected, but through what agencies should such corrections be made?

The proposed legislation is ostensibly a conditional grant for a limited time of the right of way over the public domain for the uses incidental to the development of hydro-electric power. In reality, however, in connection with the claims of the Federal Government as to the extent of its rights in the public domain now being litigated before the Supreme Court of the United States, it amounts to an effort to establish a new system of government for the control and regulation of all future water power industries established upon or requiring the use in any degree of the public domain, and to vest all authority regarding it in the administrative departments of the Federal Government, and divest the states of any power therein, regardless of the constitutional limitations upon the governmental powers of the United States.

Bear in mind that the principles upon which this legislation is based apply with equal force to every conceivable use of the public domain and hence while the present legis-

lation and the litigation in the Supreme Court refers only to water power, the menace to our system of government is by no means limited to the matter of the control of this particular industry.

Under the Federal Constitution, the states are given control of all of their internal affairs, and the authority of the United States is limited to the control and regulation of those matters of a general nature specifically set out in the Constitution itself. The advocates of the Ferris Bill claim the states have failed to properly guard the public interest in matters connected with the public land and the necessity exists for placing such control in the general government. As their authority, they quote the constitutional provision vesting the ownership of the public domain in the United States and authorizing Congress to dispose of it. This ownership in the United States, they contend, is absolute and hence the United States may attach to its permission to use public lands, any condition deemed advisable or necessary, even if these conditions are in the exercise of powers of government likewise exercised by the states. They contend there will be no difficulty in co-operating with the states in this regard, but in case of conflict, the Federal Government would be supreme.

The only source of hydro-electric energy is the water and its use. The waters, I repeat, are absolutely owned and entirely controlled by the state. But the argument is used that such waters cannot be utilized for the development of power without the land and the United States having the ownership of the land, it is perfectly proper to assume control of the industry built up by the combined use of both land and water. If such reasoning is correct, then the state might pass a law prohibiting the use of water on the public domain and thus confront us with a situation under which the development of our power resources would be forever impossible.

It is inconceivable that the founders of our government, the framers of our Federal Constitution, had any idea such a condition would ever confront us. The difficulty seemingly comes from a failure to distinguish between the powers of

the United States as a government and its right in the public domain as a land owner.

The Federal Constitution, like the Articles of Confederation preceding it, undertook to found a system in which two governmental organizations should share the powers and responsibilities: One, the National government with certain specified and delegated powers, and the other the State government, exercising all other governmental powers not so expressly delegated. It was not intended that there should be a duplication of powers, it being obvious such duplication would cause continual conflict and disorder. In framing the constitutional provisions upon the subject, the varying claims of the several states to the western lands was a subject of serious consideration; and it was finally resolved to vest the ownership of these lands and future land acquisitions of the United States in the general government, and place them under the control of Congress; but it certainly never was intended by this to enlarge the powers of the national government at the expense of the states that might be erected out of the public domain.

On the contrary, the United States was beyond doubt vested with the ownership of these lands as trustee for the future states and their inhabitants, and was not given the sovereign power to control such lands after they had been included in new states duly admitted as members of the Union. It was undoubtedly intended that the interests of the United States in the public domain was a mere proprietary interest, with the same rights and no more, that an individual owner would have, and subject in all respects to the power vested in the states.

This is the conclusion reached, as I read the decisions that have been uniformly given in regard to the right of the government by the Supreme Court of the United States, and it is certainly the only construction consistent with our scheme of government as fixed in our fundamental law.

Perhaps our scheme of government in this regard is all wrong and the United States should properly have those powers which it is seeking to obtain and exercise through the Ferris Bill; but I suggest, if such is the case, the proper

way to accomplish such object is through amendments to the Constitution itself, taking the power of control from the states and conferring it upon the United States, and not by legislation which will subject important industries to a double control and which cannot fail to result in conflicts between the states and the Federal Government, and thereby give a death blow to whatever industries may be involved.

In a government like ours, created by the people and deriving its force and effect from the consent of the governed, it is essential that a sense of respect for the law be fostered and encouraged in the people. No matter how great an evil may be, it is of first importance the remedy be worked out in accordance with law.

This proposed water power legislation is in violation of the fundamental law, and, in my judgment, is dangerously encroaching upon the constitutional powers of the states. If the powers conferred upon the states in this regard are not being and cannot be wisely exercised, then, I repeat, remedy the situation by constitutional amendment, and not by the doubtful legislation embodied in the Ferris Bill.

That principle of equality of right and power underlying our form of government and absolutely essential to its maintenance, is set aside by this proposed legislation, which applies only to the public land states, and not to the states of the East, the South, and the Middle West.

An act like the Ferris Bill should never be crystallized into statute law. Even if good policy did not require its defeat, such a radical departure from the underlying principle of our government should not be countenanced. It looks like the beginning of a systematic attempt to centralize control in the general government of many matters over which the states have heretofore had sole jurisdiction.

The Ferris Bill is founded upon a wrong principle. The theory of renting the abutting lands essential for power sites and thus deriving revenue for the government, is an injustice to the renter himself as against the fortunate ones who have already become owners in fee of similar facilities.

The rental system contemplated by the bill will make values uncertain, and prevent the ready sale of bonds for



new enterprises. The amount received from such rental would be immaterial to the general government, even if it obtained the full amount. The bill itself throws a "Sop to Cerberus" by permitting the states wherein the power facilities are situated to share in the proceeds and by placing the remaining 50 per cent of the amount received in the reclamation fund. It is difficult to appreciate this provision, unless placed in the bill to secure the assent of members of Congress from the states affected. The worst feature of the bill is that thereunder the ownership of the abutting lands will give absolute control over the use of the adjacent water power. The land in itself may be, and generally is, entirely valueless. The water itself has great value. Still, the control of this valuable asset is attempted to be usurped by the government because it owns such lands.

The most important question involved is what sound public policy requires in dealing with the question of control of the water power in the public land states.

It has always been the policy of the general government to assist the states, especially the newer states, in the development of their resources, and instead of hampering with undue restrictions, to give the fullest latitude to the development of such resources.

The public land states directly concerned as they are, in the development of their own natural resources, have an immeasurable interest in the proper policy to be adopted in making such developments.

It being true that the waters within a state are the property of that state and subject to the control of the state, then, irrespective of the ownership of abutting lands necessary to be used in the highest development of water power, the communities that will most benefit by such development, should have a controlling interest in any decision reached as to the control of such abutting lands.

In each of our newer states, the right of eminent domain has been freely exercised, and the state statutes provide an easy method of condemning private property needed for public use. That the development of hydro-electric energy in public use must be conceded and in all of our public land

states the ownership, or the right to the use of the waters of a stream which is intended to be devoted to the development of electric power, gives the absolute right to obtain title to any lands owned by individuals which are necessary to be acquired for such purpose.

The government stands alone, in that it cannot be proceeded against in the courts in matters of this kind. The lands of an individual or a corporation can be taken by persons contemplating the development of electric power by paying a proper compensation therefor, fixed by due process of law, but no matter how valueless of themselves, or in themselves, the lands of the United States may be; still there is no way of devoting them to such use.

The Ferris Bill recognizes this fact and in the pretended interest of the general government, takes advantage of such condition to derive a revenue from lands inherently worthless, made valuable only by the fact that the water belonging to the state and in which the government has no interest, can be developed to great value only by a use in connection with such development, of such worthless land of the government.

The Northwestern states are blessed with an almost unlimited amount of water power, far in excess of that which can be developed in the older states. The necessities of these states imperatively demand the fullest development of their power facilities. Nature's wonderful distribution of natural resources, under which things most needed for future development are generally found in the sections wherein such betterments will require their use, is no where better exemplified than in the Northwest.

Our arid states are not, as is popularly supposed in many parts of the East, permanent deserts, fitted for nothing but the growth of distorted animal and plant life. Ample water exists in nearly every locality and it only requires the conservation of the running waters and the development of the underground supply to make fertile fields, blooming orchards and gardens of beauty take the place of the uninviting sagebrush; but to utilize this water requires the development of our natural resources.

The gravity systems of irrigation have practically been completed; the remaining supply of running water is below the lands upon which it should be used and this water must be brought to the lands in an economical way, in a manner that will not make the cost prohibitive. The development of hydro-electric energy only will do this. The underground supply of water in our arid states is one of the important resources to be developed in the future. To bring such water to the surface and place it upon the lands requires a vast amount of electric power. The coal supply of the arid states is very limited; in some states, like my own, there is practically no coal. The water supply is the only available means for developing power for not only agricultural, but mining and manufacturing purposes as well. The future prosperity of the inland Northwest depends upon the development of this power.

It is contended by many that the development of power should be made after the need therefor arises. This is not a correct doctrine; the future of the great Northwest depends upon the development of the power, and the uses made of the power in developing the natural resources of the states. When the electric power is developed to its fullest extent, the owners themselves are bound to find markets for it. The scarcity of fuel makes it advisable to derive our heat as well as our light from electric energy. When such opportunities offer, all machinery used in mining, in manufacturing and agricultural pursuits will run by electric power. Our urban and interurban railway systems, even our great railroads, stretching across the continent, can, within the intermountain states, use electricity alone as the motive power; the use of electricity will enter into every phase of both our domestic and our business lives. It is the important adjunct that will enable us to utilize all our God-given resources to the fullest extent and make our intermountain states equal in wealth and population with the older states on the Atlantic slope.

But electricity can only be generated in vast quantities and at slight cost, through our abundant water power. The generation of this power, if restricted by onerous exactions,

if hampered by uncertainties which will prevent procurement of funds at low interest rates, will not be accomplished in sufficient amount to satisfy our needs. Those desirous of engaging in this business in the future should not be handicapped in their efforts by those who heretofore have acquired the ownership of power sites, by being compelled to pay charges to the general government, the more fortunate ones are not required to bear. Give to the states therein situated, the same right of control over power sites as they already have over the water which generates the power. Or, if this is impracticable, give opportunity to the would-be investor to acquire the absolute title to such power sites, in the same easy manner that title can be procured to government lands for other purposes, and at such reasonable cost as may be determined beforehand by the proper government officers. When this is done, and then alone, will the states have that complete control of their water power contemplated by our constitution and our laws, and upheld by decisions of our courts. There will be no possibility of corporation control, or possible hurtful monopoly of power facilities, with public utility commissions existing in every state wherein electric power is being developed in an extended way.

I recognize that the doctrine of ownership by the government is an attractive one to the people of the East. They are satisfied that a vast income can be obtained from rentals of these lands. The idea is growing that the lands should be disposed of at their real value, not at a nominal value, such as has always prevailed. The fertile lands of the Middle West were either donated to the original settlers upon them or the title was passed at a nominal cost. True it is that if these lands had been retained by the general government, immense values would have been finally received, but the development of the country would have been retarded for centuries and many of our greatest states would still be weak territories, instead of populous, wealthy communities.

The United States would take a strange attitude, adopt an unmaintainable principle, be guilty of almost ineffable meanness if it said, in effect, that the valueless land contiguous to power sites should not be disposed of to those desir-

ous of acquiring title for power purposes, because, forsooth, the opportunity arises of deriving large future revenue by reason of its accidental ownership and by taking advantage of the needs of the people of the section affected, who cannot accomplish by reason of such ownership the development of that water power, the title to which rests in them, and which is all important for the future prosperity of its people.

The prosperity of the nation depends upon the prosperity of the several states. Develop the intermountain region, admittedly the most difficult section of our common country to build up, and give the same facilities to the people of that region to utilize their natural resources, so liberally extended in the earlier days to the people of the older sections, and you add to the population, the wealth, the importance, and the patriotism of the entire country.

You of the East and South equally benefit yourselves in adopting systems that will benefit us; let us know by your kindly interest in all legislation affecting us, that you look upon us with kindly feeling; that you insist we of the intermountain states are given the fullest opportunity to better our conditions, and that the same control is permitted us in those matters inseparably connected with our water power and the public lands, enjoyed in the pioneer days of your own states, and when the time comes, as come it surely will, when there is needed for the defense of the land we all love so well, resources to back up the nation's credit, men of courage to uphold the nation's honor, we of the Far West will be fitted to do our whole duty, bear our full share of both public and private burdens, and rejoice while so doing in the recollection that to our brothers of the older states are we indebted for such opportunity.

#### HOUSE OF REPRESENTATIVES.

State House, Boston, 12 m.

GOVERNOR WALSH—Immediately upon the adjournment of the morning session the governors will walk together to the Boston City Club which is less than a block from the State House, where we are to be guests at luncheon of the

City Club of Boston, a club which has 5,000 members and is the most cosmopolitan club in New England if not in the country, which has recently built a magnificent building and which is the popular men's club of the city.

The Chairman for this meeting, the meeting of Friday afternoon, is a governor from one of the southern states, a man who has been serving the people in this capacity for but a very short time, having commenced his term of office this year. We are very glad to welcome him here, and are glad to note his interest in the Governors' Conference at this early time. I take great pleasure in presenting to you as presiding officer of this session Governor Manning of South Carolina.

GOVERNOR MANNING—Gentlemen of the Governors' Conference, ladies and gentlemen: Were I to follow the precedent that has been established in this meeting, I would have nothing to say but to proceed at once to the consideration of the question under discussion. But I take it that we have reached a climax in the discussion of matters brought to our attention and we have this afternoon for discussion a matter that seems to me to be most opportune, and one that has forced itself upon the attention of the people of this country, whether they are from the North or from the South, the East or the West; whether they are of one political party or of another, and that this is a subject on which attention is focused which should be considered in its broadest light without regard to party or to section, but should be considered as American citizens.

Washington, in his first annual address, said, "To be prepared for war is one of the most effectual means of preserving peace. A free people ought not only to be armed but disciplined, to which end a uniform and well digested plan is requisite."

Light-Horse Harry Lee said: "That nation is a murderer of its people who sends them unprepared and untrained to meet in warfare troops mechanized and disciplined by training."

You can see, therefore, gentlemen, that this is no new question before the American people, and while it has been

the policy to avoid having a large standing army, certainly the conditions which have developed with this country's marvelous growth and the conditions that have been brought about by no act of ours, show the importance of bringing to this subject the very best thought and consideration of which our American people are capable.

I feel therefore that it is with an interest not confined by any means to this Conference, but it is a question that is nation wide, and that the Conference of the different states represented here can do no better act of service to this country at this time than by giving this matter its most careful consideration.

So that in going back to their constituents, to those commonwealths which have put them in positions of prominence and influence, they may wield their influence by creating public sentiment among our people which will look to the preservation of our race and to an adequate defense against all aggression of foreign powers.

I take pleasure therefore in stating that the first address on this subject will be delivered by one who has given thought to the matter, and to whom I am sure you will listen with great interest. I take great pleasure in calling upon Governor James F. Fielder of New Jersey, who will address you on the subject, "What should be the State's Duty in the matter of National Defense."

FORMER GOVERNOR CAREY (of Wyoming)—I do not understand whether this change of program means that there will be another session this afternoon. The women's suffrage question of course does not concern the East quite so much now as it concerns some men from the West. There is a considerable sentiment in western states for woman suffrage. The governors from those states and the men representing the governors agreed to meet with the women outside the hall at this hour. These governors are very anxious to hear the address of Governor Fielder and hear the discussion if there is to be such, but we want to understand whether we shall be justified in retiring at this time.

GOVERNOR DUNNE—I, also, have accepted an invitation to attend the women's suffrage meeting if possible, but I

think it is entirely possible for Governor Fielder to read his paper and then for us to adjourn and attend the luncheon, and return here at the time agreed on.

GOVERNOR MANNING—I should like to ask Governor Walsh what his desires are.

GOVERNOR WALSH—Of course the official engagement, if I may use that word, is to attend the luncheon which the Committee has prepared for today. Individual governors have been invited to this other luncheon, and I can well understand the desire and anxiety and pleasure which it will give them to attend that luncheon. And of course I have no objection to their going. But I feel that we would waste half an hour if we should adjourn now. The City Club luncheon will not be ready until 1 o'clock. Governor Fielder's paper is about 20 minutes long I understand, I have no wish to express and I am willing to abide by whatever decision may be reached here.

GOVERNOR CURTIS—Is not the whole afternoon to be taken up with this discussion?

GOVERNOR WALSH—The purpose in making the change was that more time could be given this afternoon for this subject, and the reading of the paper this morning would give more time this afternoon.

GOVERNOR DUNNE—I intend to attend the ladies' luncheon, and I think if Governor Fielder was permitted to read his paper now we could announce to the women that several of the governors will be there at ten minutes to one. Is that satisfactory?

GOVERNOR WALSH—Yes, entirely.

GOVERNOR DUNNE—I move that Governor Fielder be requested now to read his paper, and that we then adjourn.

(The question was put and the motion was agreed to.)

GOVERNOR MANNING—Governor Fielder, will you now come forward please?



## "WHAT SHOULD BE THE STATE'S DUTY IN THE MATTER OF NATIONAL DEFENSE"

GOVERNOR JAMES F. FIELDER OF NEW JERSEY

No subject has aroused greater interest or is receiving wider publicity through press and magazine discussion, than the problem of National defense. The awful conflict raging so fiercely upon the soil of Europe, has brought the matter most forcibly to our attention and the startling suddenness with which war was declared between nations seemingly at peace with each other, serves to present to us most effectively the necessity for serious thought as to whether or not we should prepare ourselves to meet a similar condition. The people are deeply interested and they, through their representatives in legislative halls, will settle the question of greater preparedness and what we may think or say at this time, will be but our individual views which may, or may not, represent the opinion of the majority of the people of our country.

The discussion which has been started has divided us into two parties: the one consisting of those who are opposed to anything but the smallest of military forces and who believe that the power of a larger military organization will tend to force us into war, or that because of our strength, we will be more likely to invite war. They point to our 17,000,000 male population between the ages of 18 and 45 and tell us that in any crisis, no matter how unexpectedly presented, these citizens will supply us with a sufficient and efficient army and will man our vessels of war. The other party believes in a reasonably small standing army, with a force of trained citizen soldiers who can be relied upon in time of trouble to augment the regular force. I shall assert that there is no other party advocating the maintenance of a large National military force, because the very thought of it is abhorrent to our people, who base their objections to it on an uneradicable, inherited hatred of and opposition to any possibility of military despotism and oppression.

I take my stand with those who believe most sincerely in peace, but who feel that our United States should make some reasonable preparation against the happening of the unexpected. I know that the thought of military preparations and the establishment of a larger trained fighting force, carries with it the thought of the horrors of war and all its attendant evils, but we cannot prevent the possibility of those horrors and evils occurring by declining to provide against them, while by giving heed to our pitiful inability to resist attack, we could undoubtedly lessen, if not avert them. It is said that if we increase our military strength we are more likely to desire to fight, but those who assert this also say that we are naturally a peaceful, righteous nation, coveting no part of the territory of others and content to remain aloof from the conflicts and struggles in which foreign countries may engage. If we possess these latter attributes and I think we do, I cannot believe that increased strength will deprive us of our moral characteristics and cause us to seek war, but the obvious answer to such argument is, that if it is impossible to hope that the strong will refrain from oppressing the weak, we cannot help but fear that some day a strong nation will take advantage of our own weak condition.

While we do not seek war and never shall so long as the American spirit of fair play continues to rule our nation, we must be prepared in some measure to resist foreign aggression. We contemplate with amazement the conflict now so fiercely raging between our brothers and we are prone to forget that in the one 140 years that have elapsed since the beginning of our Revolution, our history shows us that we, ourselves, have been involved in frequent international disputes and wars. We had not recovered from the war for our independence when we were almost involved in war with France in 1798. War with Tripoli followed in 1801, with Great Britain in 1812 and with Mexico in 1846. Then came our Civil War of 1861-65 and war with Spain in 1898, to say nothing of the several Indian wars during the intervening years and internal troubles requiring the use of Federal troops, such as Shay's Rebellion, the Whiskey Rebellion and the railroad riots of 1877 and 1894. Even as I write, it

seems that we shall be compelled to send troops to Mexico and in that event a volunteer force will be necessary to assist the number of available regulars. We must remember that we have more territory to guard and more people to protect than ever before in our history. In addition to Alaska with an area of nearly 600,000 square miles and its population of 65,000, we have Hawaii with an area of 6,500 square miles and a population of 190,000; Porto Rico with 3,700 square miles and a population of 1,115,000; the Philippine Islands with 127,000 square miles and a population of 7,600,000, and the Panama Canal Zone, although small in area and population, yet with a national investment of \$400,000,000.

With what army is the United States prepared to guard its territorial possessions and its continental territory of over 3,000,000 square miles and 98,000,000 population? According to the latest report of the Secretary of War, the actual strength of the army consists of 4,701 officers and 87,781 men. This includes the quartermasters' corps, 3,809, and the hospital corps, 4, 055. Of this total strength, 758 officers and 17,901 men belong to the coast artillery and are, therefore, stationary in coast defence. One thousand and eight officers and 18,434 men belong to the staff, technical and non-combatant branches of the army, including recruits and men engaged in recruiting. This leaves a mobile army which can be moved from place to place, composed of 2,935 officers and 51,446 men, of which there are in the continental United States but 1,495 officers and 29,405 men. Do not these figures disclose a state of unpreparedness and does not this condition call for the exercise of ordinary precautions such as we take in our daily lives? We organize against such contingencies as conflagrations, robbery and civil disturbances, against sickness and epidemics. We insure our property against damage and destruction from various sources and our lives against accident and death. Why not guard our nation against a peril no more uncertain and vastly more important by increasing our standing army by at least 25,000 officers and men and by providing a line of trained reserves which can be instantly available in case of necessity? Then our army, regular and reserve, might be sufficient

to meet an attacking foe and hold him until further forces could be mobilized and we would then also have a body of competent instructors who could whip necessary recruits into shape as well as provide them with trained commanding officers.

I have endeavored to show very briefly that the United States requires a larger military force and I have spoken of an increased standing army, as part of a policy of preparedness, but even a mobile body of 75,000 troops, no matter how well trained and equipped is insufficient for all purposes of national defense and must be supplemented in time of need by a proper reserve force and this brings us to the consideration of why the States should bear a share of these preparations, for the citizens (who really are the States), have a civic obligation to fulfil in case their services should be required for defense. The preamble of the Constitution, which is the fundamental law of the federation of States, declares that one purpose for which that Constitution was ordained and established is, "to provide for the common defense" and the question we should discuss is, how the States can provide a citizen soldiery that will be available and efficient in time of stress for their common defense and how such force can be quickly mustered into service, properly trained, officered and equipped, ready for active duty and from which men could be taken to instruct and command any larger force which it might be found necessary to place in the field. It is all very well to point to the 17,000,000 men who might volunteer, or who could be drafted into military service and to say that they can be relied upon as our people have been relied upon in the past, to supply the necessary fighting force, but it takes time, and valuable time, to turn out a soldier and to arm and equip him, especially if he is to take the field against a trained opposing force. The lowest estimate made by army men is that it requires six months to equip, organize, train and make ready a volunteer force and even those who have gathered but casual knowledge from the accounts of the present war, must realize that a prepared army would, in that period, make such advances against the unprepared

country, that months would be required to recover from the onslaught. Witness the rapid advance of the German army at the outset of the war, shattering peaceful, unprepared Belgium and arriving at the very gates of Paris before sufficient French and English forces could be mobilized to halt its progress. It is proper to speak of the patriotism shown by our volunteers in the past and to recall how they rallied to the colors and how they were whipped into organizations and were finally victorious, but those victories have blinded us to all the facts, when a defeat would have brought us to a stern realization of how foolhardy and reckless is belief in our power to overcome all obstacles. We pass quickly over the distressing experiences of Washington with his pitifully small Continental Army and we recall only his miraculous successes when it seemed that defeat was his certain fate. We forget that the men from whom his forces were drawn, were used to living in the open, trained to handle the rifle; that many of them had been engaged in Indian warfare; that the transportation of the opposing force with its necessary supplies, was not the simple problem that it is today and that the seas are now a means of, instead of an obstacle to, ready communication. We forget that the War of 1812 was a series of reverses down to the battle of New Orleans. We forget that our Civil War started without trained armies on either side and in consequence the casualties were fearful; that both the North and the South were forced to resort to the draft and pay bounties for enlistments in order to secure the necessary men. We forget that our other wars were not against trained armies and that in the Spanish-American War we raised 223,235 volunteers, of whom only about 32,000 ever fought in Cuba, Porto Rico or the Philippines and that the balance were kept in camps, for the most part untrained and unequipped for service. Disease proved more serious to those in camps than did the bullet and the bayonet to the men engaged in actual fighting.

We may plan military camps for a month's drill for volunteer business and professional men. We may have voluntary military training for our boys and young men at schools

and colleges, student camps, boy scouts and security leagues and the States can participate in these endeavors, for all have their value in that they give some idea of military training and discipline, foster a patriotic spirit and serve to create a greater interest in preparedness. But such service is not compulsory and, therefore, not regular and affords only a smattering of the instruction which needs to be thorough and in no way will they provide the equipment and arms which are as much needed as the training. I believe that the most important lesson which will be learned by the volunteers in camp at Plattsburg, New York, is that it is impossible to make a soldier out of a raw recruit in one month; that in that period he will only begin to learn how to care for himself, his kit and equipment and that he will know very little of drill, army regulations and duties, or of the proper and effective use of the modern rifle. It will also teach them the difficulty of clothing, arming, housing, feeding and caring for a thousand men and will give them some idea of the size of that problem when applied to a hundred thousand men. In short, I think their experience will lead them to the opinion I hold, namely, that what we really need in each state is a body of citizens who will agree to serve under competent instructors for a definite period of time sufficiently long to give them a thorough course of instruction in all military branches and that arms, ammunition, proper clothing, tentage, and all the paraphernalia belonging to a well equipped military organization shall be provided for a force which should be large enough to meet not probable, but possible contingencies. The number of men that the states should at all times be ready to furnish for this reserve force, should not be less than 250,000 and this force should in each state constitute its National Guard, or Organized Militia. I believe that a state militia is the only organization through which an effective reserve force can be built up and that if the time, thought, energy and money which is now divided among various small and what seem to me to be but temporary expedients, were centered upon the National Guard and if enlistment therein were properly encouraged, we would

secure the dependable fighting force for which we are seeking and hence I conceive it to be the duty of the states and the people thereof, to participate in preparations for national defense through an intelligent and generous support of their state militia.

The latest returns of the Organized Militia show a total strength of 8,323 officers and 119,087 men and here we have at hand the nucleus for the upbuilding of a trained army reserve which will be of inestimable value in time of need because it can be speedily utilized.

When a citizen has joined the National Guard, service therein is not at his whim, or during a period of patriotic exaltation, but for a definite term sufficiently long to give him the technical instruction a soldier needs. He literally goes to school and learns his military lessons from the lips of competent militia and regular army officers. He learns his relation to the government, to his state, to his regiment and his fellows. He learns the value of discipline and how to act so that his unit in the organization to which he belongs will produce the highest degree of efficiency. He learns hygiene, how to live, cook, eat and sleep as well as how to drill and shoot. This organization is the only one which can and does give this scientific course of instruction and I cannot understand why men should spend their time forming societies and leagues for the discussion of other measures of state preparedness, when the means is at hand through which they may accomplish their purpose. They should join the militia and divert their efforts to promote its efficiency and importance.

The greatest difficulty the Organized Militia has to overcome is in securing enlistments. It used to be considered that the National Guard was a semi-social organization and men joined because of the social pleasures they expected to enjoy, but that time has passed and in every state where the Guard pretends to amount to anything, those men have gradually retired and only those remain and now enlist, who are interested in the serious military work for which the Guard is intended. Since the enactment of the "Dick Law" in 1903, which was designed to create, foster

and develop the Organized Militia and make it an effective adjunct to the regular army, the states' forces have been brought in closer touch with the Federal government. Then too, the Federal appropriations for the Organized Militia (now more than \$4,000,000) are understood to be made for National purposes with the object of securing some return in the event that the service of states' troops should be necessary and the government accordingly exercises a close supervision of the equipment, discipline and training of the militia. This change from the social to the serious side, makes it necessary for the officers to devote at least three nights in each week to their own courses of instruction, to lectures, war problems and military studies and to the drilling and instruction which they in turn must impart to their men, while the enlisted men are required to appear at their armories on an average of four nights a month during the drill season, for their own courses of instruction in all the many branches of training necessary to make them proficient soldiers. These arduous tasks, rendered without any financial compensation, naturally keep down enlistments, because only men really fond of military work can be induced to undertake them.

Another difficulty relates to the use of the militia for strike duty. The agitator class in labor unions, insist that the militia is controlled by the enemies of labor and that the only real reason for its existence is the performance of strike duty. I am told that many unions prohibit their men from joining the Guard, while others make it unpleasant and burdensome for those who do enlist. Then too, the possibility that the militia may be frequently called on to quell strikes and riots, keeps out many men who do not desire to perform police duty. It has been said that the militia should be called on promptly to put down local disturbances which might develop a dangerous aspect and it has also been suggested that peace officers should be empowered to make their first call for riot duty upon members of the National Guard as individuals and that the Guardsmen should be required to respond in uniform. There are several answers to both suggestions, but it is sufficient to say that



the adoption of either, would be the most effectual method of disbanding the National Guard, short of mustering it out of service. I believe that the burden of controlling strikes and riots should rest upon the sheriffs or other civil authorities; that it should be most plainly apparent that they have completely exhausted their whole power and resources; that the situation is absolutely beyond their control and that they are helpless, before the governor should permit the use of the militia. Steps to correct the erroneous notion of labor should be taken. Articles might be prepared and from time to time published in magazines and papers devoted to the interests of labor, showing what part it should take in National defense and making it clear that unless we have a proper reserve force our standing army must be larger.

A third source of difficulty in securing enlistments is found in the attitude of business men who do not encourage their employees to become soldiers, because they fear that the employees will be called from their duties at inconvenient times. It should be shown to them that it is to their advantage to encourage their employees to enlist, because they are the men who are expected to go to the front as the representative of the employer who must stay at home because of age, physical disability, family ties or important interests. It should not be difficult to show the employer that the National Guard training is one of the best and most valuable assets an employee can have, because it teaches him promptness, obedience, carefulness and neatness; that it keeps him in good physical condition and robust health, and generally improves his character and that the time a soldier spends in his armory, keeps him away from the saloon and other places which tend to decrease his efficiency.

The states—that is all the citizens of the states through their representatives—should devote more attention to the building up of the Organized Militia. Citizens should enlist and encourage enlistments and should be taught a proper respect for the uniform. They should provide a sufficient number of commodious and well fitted armories for the use of the citizen soldiery, especially when it is considered that

the militia men give their time without compensation for the courses of instruction which fit them for the service of the state. Adequate and suitable arms and equipment should be provided; campgrounds for practical field work should be secured and also a rifle range for target practice at all distances at which a soldier would be expected to shoot. I know that the item of expense is an important consideration, but if we would discuss preparedness and the immense responsibility that rests upon the states to perform their duty in this regard, no false economy must stand in the way. If we concede that a duty is imposed upon the states to assist in military preparedness, then the matter of expense must not limit us and no citizen who appreciates his patriotic duty will object.

I have spoken of the time and service both officers and men of the Organized Militia are required to devote to their duties without compensation and I mentioned this as a deterrent effect upon enlistments. Permit me to refer to that subject again in concluding this paper. The latest printed report available of military appropriations, shows that Congress has expended for the support of the army, including such military public works as fortifications, arsenals and military posts, the sum of \$106,321,959.07, and for the Organized Militia \$4,288,552.83. This means that the regular army, with a total of 92,482 officers and men, costs the government to maintain, an average of \$1,149.65 per individual, while the Organized Militia, with 127,410 officers and men, costs the government but an average of \$33.65 per individual. It is true that the militia is not a part of the regular military establishment and that, as an organization it is not subject to Federal control, but I venture to say that in case a National necessity should arise today, 90 per cent of the members of the militia would instantly volunteer their services, so that the Federal government would secure the services of men whose training and military accomplishments have been attained practically at the men's expense, especially if we count their time against the sum expended. I submit that the government should expend a larger sum on the militia of the states and

Congress can do so in no better way than by passing the "Military Pay Bill," which has been pending before it for several years. This bill provides a compensation to the officers and men of the militia, much less than the officers and men of the regular army receive, but it would be some recompense for, and recognition of, the work they do and it would, in my judgment, greatly increase enlistments. The advantage which would accrue to the government by the passage of such a bill, in addition to increasing the membership of the Organized Militia, would be that, by the terms of the bill, the militia would as organizations in each state, be subject to Federal call for National defense. I can see no objection to this provision because the militia would remain state organizations, subject to state service until needed in a national crisis.

No one in this country wants war. All desire peace and the difference between us is merely as to the method by which we shall secure what all most anxiously seek. We shall reach the correct conclusion through calm consideration and discussion of the subject of National preparedness, by every citizen who loves his country and who earnestly desires to avert all peril which might threaten it.

Congress will undoubtedly act at its next session and the course it should pursue must be shaped by sane and safe arguments and not by the ideas of extremists. It seems to me that the members of this Conference, representing many states, can render no more important and patriotic service to the Nation, than by pointing out the proper course.

GOVERNOR MANNING—I am sure that the Conference is grateful to Governor Fielder for this interesting and instructive address. It may be of interest to the Conference as well as to the ladies and gentlemen in the audience to be told that immediately on the assembling of the Conference at 2 o'clock it will be honored with an illuminating address by the Governor of Illinois on this same subject. Acting now under the resolution of Governor Dunne, this Conference will adjourn until 2 o'clock.

GOVERNOR LISTER—May I be allowed to suggest that we take a recess to meet at 2:30, to be honest with ourselves,

as we shall not be back here until that time. I move that we take a recess now to meet at 2:30 in this hall.

GOVERNOR HAMMOND—Pending the adjournment I would ask what the procedure is this afternoon. How long a time are we to have for this discussion, and what papers are to be read? Perhaps several of us would like to participate in the discussion, and if a great number then I think the time should be limited so that all might have an opportunity to be heard, those who desire to be heard.

GOVERNOR WALSH—The Executive Committee have arranged for but one other paper this afternoon.

GOVERNOR DUNNE—And that in my judgment will not exceed ten or twelve minutes.

GOVERNOR WALSH—The subject will then be open for discussion until about 5 o'clock this afternoon. The executive session will be short.

GOVERNOR HAMMOND—Has the Committee any information as to the number who will participate in the discussion?

GOVERNOR WALSH—We have not.

GOVERNOR HAMMOND—I will offer it as a motion that upon the reassembling of this body, the discussion be confined to speeches of not more than five minutes.

GOVERNOR LISTER—That is the motion of Governor Spry which was carried on the first day of this session, and we are now acting under that resolution.

GOVERNOR MANNING—We are now acting under that motion. Governor Lister moves that when we recede from business it be until 2:30.

(The question is put and the motion is agreed to.)

We stand adjourned until promptly at 2:30.

(Noon recess.)

## AFTERNOON SESSION

2:30 O'CLOCK.

GOVERNOR RICHARD I. MANNING (of South Carolina)—presiding.

GOVERNOR WALSH—Governor Beeckman of Rhode Island has requested me to extend an invitation to all the governors to visit his state and his residence at Newport tomorrow, either at luncheon or dinner in the evening. My secretary will see the governors during the afternoon and will communicate to Governor Beeckman the names of so many governors as can stop over there tomorrow.

GOVERNOR MANNING—The Conference will come to order. As I announced immediately before the recess, the first speaker of the afternoon will be the Governor of Illinois. I now recognize Governor Dunne.

### "PREPAREDNESS"

GOVERNOR EDWARD F. DUNNE.

Gentlemen, fellow Governors: After listening to the very able, very wise, and very statesmanlike paper delivered to us by Governor Fielder before our recent adjournment, it seems almost like a work of supererogation for me to read any additional paper. But in view of the fact that the paper is brief, and that it is corroborative of and in the nature of a support to the very able views presented by Governor Fielder, I may be pardoned if I read it.

Since the commencement of the tremendous war now waging in Europe, and the danger of our country being embroiled therein, all classes of people in the Republic have

been seriously considering the unpreparedness for war which seems to exist in our country.

From the bellicose jingo who would involve this country in a foreign war upon slight provocation to the peace-at-any-price citizen, all of us have been seriously considering the question as to whether our military and naval armament ought not to be increased at least for defensive purposes. That we have in the United States at the present time in comparison with the great nations of Europe but a meager force of soldiers and sailors cannot be denied.

The army of the United States consists of but one man in each 1,000 inhabitants, while in the British army there are 17 soldiers to each 1,000 inhabitants; in Russia 28 to each 1,000 inhabitants, in France 34 to each 1,000 inhabitants, in Germany 51 to each 1,000 inhabitants, and Italy 57 to each 1,000 inhabitants.

As to whether our army should be increased at least for defensive purposes there does not seem to be much doubt among thoughtful men. Whether the increase must be in the nature of a standing army or an increase in citizen soldiery is a question about which there is room for legitimate debate.

The advocates of a large standing army in the United States in the past have been few and far between. The isolation of our Republic from the great warlike nations of the earth, its separation from them by thousands of miles of ocean, and its location on a different hemisphere has given us in the past a feeling of security and a confidence in immunity from attack, but the tremendous progress in military and naval armament as disclosed by the present European war proves that this feeling of security cannot be much longer entertained. Steam and electricity and the marvelous development of modern men-of-war, cruisers and submarines have produced such a revolution in the intercourse between nations that the isolation which we have enjoyed in the past under obsolete conditions no longer prevails.

If war were to be declared against this country by one of the six greatest nations of Europe it must be conceded that the United States in its present condition of land and naval

forces would be in a sorry predicament. For offensive warfare our land forces are so small as to be regarded with ridicule. Our naval armament might succeed for a time in damaging cities and fortifications upon the seacoast of a possible enemy in Europe, but separated so far as we would be from the base of supplies such offensive naval warfare could not be of lasting duration.

In defensive naval warfare, we might for a time make a creditable showing upon our own coasts but if any of these great nations should effect a landing of any considerable army, for weeks at least such an invasion must be practically unopposed. This serious situation of affairs has given even the most ardent advocate of peace between the nations grave concern.

While we in the United States are honestly and ardently sincere advocates of peace between the nations, and while we have no lust of conquest and no desire to be involved with any other nation, we must conclude that we are sadly and grossly unprepared even for a defensive war. For the protection of the autonomy of the nation we ought then to be in a better state of preparedness and ought to have a larger force of men trained for military purposes. Must this force necessarily be a large standing army thus imposing burdens of taxation upon the nation that it has hitherto been unaccustomed to? I do not think an enormous standing army is essential for the protection of the nation and the preservation of its autonomy.

I do agree with Governor Fielder, and I think he is conservative in numbers of the standing army. Personally I see no harm in adding to our army today, instead of the 29,000 that he advocates, at least 100,000 men.

A citizen-soldiery brought this Republic into being, a citizen-soldiery in the main has carried on three wars successfully with other nations, and a citizen-soldiery in the main saved this Republic from dissolution in one of the greatest rebellions in history. I know of no reason why with an adequate navy, super and submarine, that a well trained citizen-soldiery of land forces cannot be the main reliance of this Republic at the present.

A large standing army has been and always will be an enormous expense to any nation. I think I am within the bounds of truth when I claim that it costs this nation at least \$600 a year to feed, clothe, and pay each enlisted soldier. Governor Fielder's investigation satisfied me that it will cost over \$1,000 to pay, clothe and feed.

GOVERNOR FIELDER—That includes fortifications.

GOVERNOR DUNNE—Mine is based only upon the pay food and clothing of the soldier, and I believe I am conservative.

The wages in the United States army vary from \$15 to \$99 per month, outside of clothing, food and equipment. If we were to increase our standing army from 100,000 men to 1,000,000 men, it would, therefore, cost us \$600,000,000 a year to pay these soldiers their wages, and feed them. If we were to maintain a standing army in proportion to population such as Great Britain maintained before the outbreak of hostilities, it would cost us nearly \$1,200,000,000 a year. Such a frightful increase in the burdens of taxation which would be occasioned by the maintenance of such an army in the United States must give serious concern to all citizens contemplating such a prospect.

There is another alternative. It is the citizen-soldiery of the nation. Not such a citizen-soldiery, however, as is now maintained in the National Guards of the different states. The present militia of all of the different States of the United States is wholly inadequate for the defense of the nation. In 1913, the total militia of the National Guards of all the states aggregated approximately 120,000 men. Such a number of men would be wholly inadequate for the defense of the nation in case of war with any first-class power.

To rely upon the regular army of 100,000 men, and a militia of 120,000 men in case of war with a first-class power would be an act of supreme folly. The citizen-soldiery of the Republic must be reorganized, regenerated and enormously increased. There should be at least a body of citizen-soldiery trained to the use of arms, organized and maintained throughout the different states of the United States in the aggregate of at least 2,000,000 men. How can this be



accomplished without imposing too great a hardship upon its members and upon the tax payers of the Nation? It can be accomplished by the adoption of two measures.

First: By requiring every college and university in the United States which receives from any state or from the Federal Government any support or appropriation of money, to give a military training to its students during the four years of the university or college course. As part of the physical and mental education of the student, he should be compelled, if in such an institution, as part of his curriculum, to devote sufficient time to enable him to become a well-informed soldier in time of war. That this can easily be accomplished is proven by what has already been accomplished in some of the universities.

Years ago the Federal Government made land grants to the University of Illinois, requiring as one of the considerations therefor a regular military drill among its students. Today at Urbana, Illinois, the seat of this university, there are among its 5,000 students 1,800 fairly well drilled young men who have received a military training under the supervision of the Federal officer detailed for that purpose. Next year there will be about 2,000 of these young men who will be receiving such a training. I am informed that there are 60 land grant colleges and universities in the United States, where doubtless such provisions are being or should be enforced.

The military training given these young men, however, at the present time is meager and inadequate. It is difficult to secure from the Federal Government sufficient trained officers to give them the thorough military training that they might receive if properly officered. Only one trained Federal officer is detailed to the great University of Illinois to give military training to nearly 2,000 young men. The system should be changed. At least one officer, a West Point graduate with years of training, should be detailed to every 500 men in such colleges and universities. The Federal Government moreover should provide funds and scholarships for the training of young men to become military officers in these institutions.

I am assured by President Edmund J. James of the University of Illinois "that if the Federal Government would provide funds and grant scholarships to the amount of say \$150 a year or \$200 a year for every student in one of these institutions who would take the regular four-year course of military instruction and drill, which could be taken right along with the other course in the university by extending the course say from four years to five, it would be possible to graduate from the University of Illinois, for instance, anywhere from 100 to 200 men annually who would compare very favorably in their general education and specific training with the graduates of West Point."

One of the greatest needs of the British and Russian armies at the present time is their need of trained officers to take charge of the enlisted men. We should profit by the examples furnished in this awful war now prevailing in Europe. For defensive purposes at least we should have an adequate number of well trained men, graduates of our educational institutions, who could in case of war take charge of and whip into shape soldiers who would fly to the defense of their country's integrity.

Another method of increasing the numbers and efficiency of our state militia would be for the Federal Government to make more liberal appropriations for the maintenance of the same. Under the present Federal law, each state receives from the Federal Government the tents, uniforms, arms and equipment used by its militia. No wage is paid the militiamen by the Federal Government. The only wage or compensation that the militiamen in the State of Illinois receive is \$1.00 a day while actively engaged in manoeuvres or when rallied out for public duty in case of riots or other emergencies. On the average the militiaman of the State of Illinois does not receive to exceed \$15.00 a year, and that only when he is in active service.

This beggarly allowance is not attractive to the ordinary farmer, mechanic or clerk. If he joins the militia he is expected to give at least a night a week for drilling purposes in his armory. This continues throughout the entire year, and for this one night a week he receives not a cent of compensa-

tion. The young men who join the National Guard are those who do so for patriotism or love of military association. The surprise is that there are sufficient young men throughout the different states who are willing to give so much of their time without compensation.

All of this should be changed. I believe that any young man who is willing to join the National Guard and become a citizen-soldier should be reasonably compensated for the time that he spends in fitting himself to become a soldier as he would in any other occupation. If a militia-man were paid \$1.00 for every night that he spent in military training in his drill hall or arsenal, with a provision that he would receive no compensation unless he attended at least 40 nights during the year, I believe that the National Guard in the State of Illinois, upon such a basis of remuneration, would be increased within one year from the 8,000 militia-men that we now have to 100,000, and I believe that this is true of all of the other states in the Union. Instead of a National Guard of 120,000 men throughout all of the states of the Union I believe that we could easily secure men at such compensation to the number of from one and a half million to two million men throughout the United States. If this could be accomplished let us compare the burdens that it would impose upon the public with the burdens that would be imposed by maintaining a standing army of the same number.

If each militia-man were paid at the rate of \$1.00 a night and the National Guard should be increased to the number of one million men, at \$40.00 per year, the aggregate cost would be \$40,000,000 per annum. If 1,000,000 men in standing army were maintained by the United States it would cost \$600 per year per man, the cost in the aggregate being \$600,000,000. In other words the Federal Government under such a plan could maintain a militia of 1,000,000 men ready to respond to the country's call in time of war for \$560,000,000 less than it would cost to maintain a standing army of the same amount of men.

I am not, and never have been, an advocate of a large standing army in this Republic, but I do believe that the time has come in the history of this nation when it must be

prepared for defensive purposes, and to have at least 1,000,000 men within its borders with military training so they can become the nation's defenders if the life of the country is assailed.

When I was in Switzerland 15 years ago I marvelled at the number of trained soldiers that I saw in the little Republic, and I asked a native why it was necessary in such a peaceful Republic to maintain so formidable a force of men, to which he replied: "These men and our mountains are our only safe-guards against aggression. We can only maintain our independence by having these men in readiness against possible invasion."

Let us be prepared to protect the life of the Nation from aggression from abroad, not by a standing army at least at present, but by a trained citizen-soldiery that can be maintained without imposing unduly onerous burdens upon the taxpayers of the Nation. As between the Chinese Republic with its 400,000,000 inhabitants, without any efficient army, cowering before the militant empire of Japan with its 70,000,000 population, but with an efficient army, and the little Republic of Switzerland standing among the warring nations of Europe and protecting its independence by a trained soldiery, let us rather incline to the fortunate situation of Switzerland that can assert its independency and neutrality in the midst of its warring neighbors.

Just two words more. It has been stated, and I believe truthfully, that all of the institutions that are engaged in preparation of munitions of war in the United States are located within 150 miles of New York. If that statement be true, this country indeed is in a dangerous situation.

At the outbreak of this Great European War the very first thing that the well-equipped Germans did was to take possession of manufacturing Belgium, and the manufacturing portion of France, and they have held that ever since. And you know and I know that the cause of the Russian reverses was principally the fact that they were without munitions of war.

Some of these factories where these munitions are prepared down East I am informed are within 2 or 3 miles of the sea-

board, and that there is 30 feet of water within one-half mile of the seaboard. Any great British man-of-war fleet or German fleet, that being true, could destroy or take possession of all the means of manufacturing weapons for defensive purposes in the United States if a formidable fleet, able to overpower ours,—and both of those nations have very powerful fleets,—should undertake the duty, and we would be absolutely at the mercy for months and maybe for years of a powerful navy invading this country.

I know we have arsenals in the interior, but I was amazed at the arsenal at Rock Island on the Mississippi River a thousand miles away from attack from abroad, that they were manufacturing there not ammunitions of war but saddles and bridles and harness and clothes.

This Nation in my judgment not only should increase its militia in the matter pointed out by Governor Fielder, but ought to establish manufactures for the munitions of war inland, safe from attack from a foreign enemy.

#### DISCUSSION.

FORMER GOVERNOR QUINBY—Ladies and gentlemen: I am glad to have an opportunity at this time to express my appreciation of the splendid hospitality of this State, extended to us through its able Chief Executive, and I doubt not that all the members of the Conference have the same sentiment. He has not only given us a splendid opportunity to view the environs of the City, but far and away of more importance than anything in the way of recreation that has been given us are those two object lessons which he laid before us. The unit of the fleet, and yesterday's parade of Massachusetts citizen soldiery.

Any statement that I may make at this time is authentic according to the testimony before Congress of the reports of secretaries of the different branches of the government. It is said that at the Battle of Gettysburg the armies of General Meade and General Lee possessed altogether 634 guns. That today we have not as many as that, and that it would take two years of continuous work to provide the munition for

those which we have. Speaking about coast defense, that we have munition on hand to supply the mortars of those defenses for half an hour; and to fire the big guns three quarters of an hour.

We have long-distance torpedoes, and while we admire that splendid fleet of yesterday (Wednesday), and take pride in it, we should reflect that today we have but eight first-class battleships, and that seventy-seven ships of one kind or another are tied up at the dock either for want of repairs or for want of men. And there has been stated here that if all the ships built and now building were placed in commission, the Navy would lack 18,000 men.

Commander Stirling of the submarine fleet testified before the Committee in Washington that of the 17 submarines that we possessed, only one could dive and be sure to come up. The Secretary of War made the statement that in six weeks' time an enemy landing on our coast would render matters so settled that we might as well concede defeat without a contest.

This matter is not one that can be laid entirely to the door of the Democratic party. I am as good a Republican as the average, and I say that the Republican party are equally guilty with the Democratic party.

Now, let us, as Americans, without regard to party, return to our homes and start a propaganda of preparedness. Let us arouse the people. Let the people in no uncertain terms say to Congressmen-elect or elected, I care not which, you must drop politics in your consideration of appropriations for the army and navy. If an army post should not exist, you must not listen to constituents who say that it should, but stand up in your place and vote for appropriations to secure the defense of America, or we will see to it that as soon as the opportunity offers your place will be taken by a man who will so stand up.

The European war has aroused the American people from their Rip Van Winkle sleep and they are looking around and taking notice. They are wondering what would happen if some nation not so powerful should come to our coast and look upon our fair land with its treasure, and decide to

assimilate it. And they are beginning to think that the first thing in order will be to prepare supplies and munition.

Of what value will it be if you could assemble to the colors 1,000,000 or 15,000,000 of men, if, when they get there, there are no arms and no munitions?

As Mr. Edison said in a statement not long ago, "Let us get supplies of what we need, and let us do it now." We cannot begin any too soon. Let us provide as far as possible practicable routes so that troops can be mobilized more quickly than they can by the railroads, and let us go among our people and get stirred up the sentiment to support our government in its efforts, and to be ready when the enemy comes, no matter who they are or where they are from.

GOVERNOR HAMMOND—Gentlemen: one thing it seems to me is very apparent. There is need of a board or council, some organized body thoroughly informed as to the needs of the army and the navy to point out to Congress the things that must be done to improve both.

If the information my friend Governor Quinby possesses is accurate, we have few battleships of any value, we have not ammunition sufficient to load our guns, nor submarines that we can safely send into the water with the expectation of seeing them again. And yet this deplorable condition which it is said exists comes, if we have been accurately informed by Secretary Meyer, after an expenditure by the American Nation of hundreds of millions of dollars more than any other nation on the face of the globe.

And what is the remedy? Go to Congress and get more money. If, after spending more than the great nations of the world, we have nothing other to show for it than appears from the statement of my friend, Governor Quinby, in Heaven's name how much money will we have to appropriate before we get a navy that is strong?

It would seem that the fault is not with Congress; it does not lie in inadequacy of appropriations. Now I do not know in just what condition our army and our navy are, but I have a suspicion that if there should be a war, we would find our battleships giving a very good account of themselves. They did the last time we had occasion to try them in battle.

But a word about citizen-soldiery. It is a matter in which I am deeply interested, and I have a proposition that I would briefly state,—rather a suggestion.

We cannot follow the nations of the old world. The American people will not stand for compulsory military service. We cannot compel the young men of this country to enter the army. Neither can we afford to buy soldiers nor to hire them. It costs, Governor Dunne said, \$600 per man. I have been informed that the cost to the United States for every soldier is \$800, the cost to Great Britain \$500, the cost to Germany \$300, and France, Japan and Russia can put a soldier in the field for \$250 and less. We must depend upon the patriotism of the American people, and we must depend for the defense of this country upon the loyalty of American men.

And I am one of those who believe that we will not be disappointed in putting our trust in the loyalty and patriotism of our young men.

We are urged to increase our militia. But if we build up our militia, have we then a United States army? Is it not true that in most of our states, many of the young men, men who would make excellent soldiers, will not enter the state forces? Any why? The militia of each state is a state constabulary, not a national organization. And even if by law they may be called into the field in time of war, they have not the training in time of peace that best fits them to make up a strong, well-organized, well-disciplined and well prepared army.

You cannot have forty-eight separate armies each under the governor of a state, officered by men appointed by him, and have that thorough system and thorough organization that there must be in order to make an effective military force.

It has been proposed that we have a territorial army, not under the control of the state. Say a battalion or at least a company, in every Congressional district, all organized drilled and uniformed in the same way, making an effective reserve force.



Five men enlist in the British army or in the British territorial army to one enlisting in our state militia. Six men enlist in the Dominion of Canada to one in this country. Fifteen men enlist in the Australian contingent, to one in this country.

There should be military training that will appeal to the young men of the country so that we may have an organization throughout the entire nation not based on pay but based upon a desire to be of service to the country in time of need, so trained in time of peace as to be ready in time of war. We have a good suggestion from Governor Dunne that our young men in those colleges receiving Federal aid be given military training so that they may constitute a reserve body in case of emergency.

We have in this country 6,000,000 men in the various fraternal insurance organizations. Some of the 6,000,000 are in more than one society. Some of the members are old. Some of them perhaps are under physical disabilities, but I will venture to say there are 3,000,000 strong, active young men in these fraternal organizations. They have their maneuvers, their marches and their drills with harmless implements. They have long rituals, but useless.

Why cannot military drills be substituted? Why may not these great organizations, in addition to being fraternal insurance companies, be American patriotic orders? In place of their annual picnics, why not have military encampments and reviews? In conversation with the president of the National Fraternal Congress I made this suggestion to him, and he thought well of it. It would be a fine thing for the men themselves, make them better insurance risks, and the spirit of patriotism would prevail. It would be to the advantage of the organizations and it would build up a reserve body without large appropriations that would be of aid should the time come when the country would need red-blooded men for its defense.

GOVERNOR MANNING—The subject is still open for discussion.

FORMER GOVERNOR AMMONS—Mr. Chairman, out in Colorado we had an unusual experience in connection with this

matter of the National Guard. I prepared, expecting to read it in another way, a statement or an article on the situation as we had learned it from experience. In that is suggested some of the matters referred to by Governor Fielder and Governor Dunne. We have not time this afternoon, as I take it, to read any more papers. As I have said this has come out of an experience not only unusual, but one very severe for our state, and covers a good many points. It is not very lengthy. This was prepared not from an idea of any personal interest I had in it but in calling the attention of the country, if you please, to some points that perhaps have not been considered.

I am simply now, having given up the idea of there being time for full discussion of this question, going to merely suggest that this paper may be turned over to the Executive Committee of whomsoever it may be composed, with the idea that if it adds any further light to this question than has been submitted here, it may be published in the proceedings for whatever benefit it may be.

GOVERNOR DUNNE—I second the motion.

FORMER GOVERNOR AMMONS—I did not make it in the form of a motion. I merely suggested it.

GOVERNOR DUNNE—Then I make the motion.

[Motion agreed to unanimously.]

## **"RESERVE FORCE FOR NATIONAL DEFENSE"**

FORMER GOVERNOR ELIAS M. AMMONS OF COLORADO.

With the greatest universal peace movement in history interrupted by the most terrific war ever known; with strenuous efforts to involve the United States in the European conflict; with the Mexican situation on the verge of conflagration; and Japanese and other bugaboos skirting the horizon in every direction, the topic most generally discussed in America today is naturally the army.

There is a wide divergence of opinion on the military situation. On the one hand there is bitter opposition to any in-

crease in the army and even an insistent demand that the present establishment be reduced. On the other side public opinion is crystallizing on the necessity of a stronger defense. Out in the West we learned a long time ago that a man who constantly carries a gun was likely to be tempted to use it unnecessarily. The opponents of militarism urge that an encouragement of the military spirit will produce the same effect in the nation.

Looking at the situation from an outside viewpoint, a few pertinent facts impress themselves. We now realize the hope that our modern civilization would prevent war is futile. Its genius and diversified skill serve only to make conflicts more destructive. The object lesson beyond the ocean plainly illustrates the evil of armaments for offensive purposes, for who would believe the present war would be in progress had there been no preparedness for it? On the other hand, if it is true that constant preparation for war may provoke conflict, is it not equally true that so long as any of the great world powers continue a policy of active preparation for aggressive warfare, it is unsafe for any country of wealth to neglect effective means of defense?

The essential thing in this country is to successfully meet the criticism against a large standing army, and at the same time offer a feasible plan for protection against attacks from abroad.

Assuming that much of the opposition comes from a fear of its adverse effect upon peace conditions as well as the sentiment against the expense and expediency of keeping so large a number of men out of the ranks of producers, is it not highly advisable to build up a great reserve organization uncontrolled by these influences? There has been for some years a bill pending before Congress for a small rate of pay for the National Guard. Regular army circles have opposed this, probably on the theory that such a measure would tend to lessen their appropriations. National Guard officers believe even the small sum proposed by this measure would greatly enhance the popularity and efficiency of their forces.

There are about 83,000 men in the standing army, of which approximately 50,000 are beyond our continental

borders. In the National Guard there are about 120,000 men, many of whom are probably not under the most efficient training. Obviously this force is calculated neither to promote a feeling of security at home nor to inspire respect from abroad. It must be taken for granted that any country intending war against us will take advantage of our lack of preparation, and attack suddenly. If, therefore, the present sentiment in the country against a large standing army is to prevail we must provide other means for protection.

The pay bill now before Congress, and which it is thought will pass at the next session, should materially strengthen the National Guard. Even, however, if this force be doubled in size and strength it would be wholly inadequate to meet an invading army.

The whole military establishment of the country has been weakened by industrial controversies. Wherever industrial disturbances have grown beyond the control of local authorities, troops have necessarily been called to suppress them. As in many instances, lockouts and strikes are dependent for success upon violence of one kind or another, any force that interferes to restore and preserve order is looked upon as unfair. On this account, throughout numerous industrial districts today there exists an inspired, subtle, growing movement to render membership in the National Guard unpopular. Appreciating this condition, regular army officers are loth to have their forces employed in quelling industrial conflicts.

Taking these conditions into consideration, but one course seems plain to me to adequately meet the situation. As our strength must ensue from unity at home, we must make invincible the sentiment that all disputes of whatever nature, shall be determined in an orderly manner in lawful tribunals provided for that purpose. With that sentiment thoroughly established will come popularity rather than disfavor for those whose duty it is to quell disorder and violence, no matter of what nature. In this way also will be laid the firm foundation upon which to build a unified strength throughout the country.

Perhaps the most popular of all our institutions is our system of public education where every child has the same advantage. It is this system that makes for our democracy and exerts the strongest influence for its perpetuation. It has long been recognized that all citizens should contribute their share of support to these institutions on the principle that it makes not only a more useful citizenry but a better governing agency, and therefore a more effective and a wiser government. At the same time it must be recognized as useless to establish government unless it can be maintained. If it be advisable to educate the citizen to be a better government agent and a more productive citizen, it is equally important that he shall be taught to protect the perpetuation of that government after it shall have been established. Why, therefore, should not the boys while in our public institutions of learning, be given that military training which will fit them for the duties of warfare in case of foreign attack. We have in our state universities and colleges and high schools of the country, probably three-quarters of a million of boys and young men. Doubtless a quarter of a million are entering these institutions each year. They compose a most intelligent class of people. They come from all walks of life. They meet in public institutions on an equal footing where success will depend upon ability and merit, irrespective of the social standings of the families from which they come.

Most of our educational institutions are defective in their systems of physical training. The military drill furnishes three things badly needed. It requires discipline, furnishes a desirable sort of exercise and induces a better carriage or bearing that is helpful in every way. This has been amply demonstrated in the agricultural colleges and schools of of agriculture operating under the Morrill Act. The experience of many years has proven that such training does not lead to the results objected to in a large standing army. It has not produced a spirit calculated to lead us into offensive warfare, but it has given efficient training to thousands of our best patriotic young men, fitting them for service in case of necessity. Men are not permitted to graduate from these schools unless they complete the drill course prescribed.

Federal army officers are assigned to conduct the work. The students are furnished with guns, and rifle ranges are provided. As the schools of agriculture are of high school grade we have been given opportunity to observe the work in both college and high school pupils. Fewer, if any, of these young men have drifted into the standing army than have gone there from other institutions. They have almost universally gone into agricultural, industrial or professional pursuits but they are available should occasion arise. There is no reason why the same condition should not obtain if similar instruction should be extended to all schools of like grade supported by public funds.

There is another important feature in such a policy. Under prevailing custom our young people are too prone to consider our present peaceful condition too much as a matter of course. They do not fully appreciate the cost of establishing present conditions, nor the importance of maintaining the fundamental principles upon which our splendid institutions are founded. That which costs nothing is rarely ever fully valued. The education given at public expense, the protection of life and property will be better appreciated if the citizen must give something in return. To have the young men understand there is no security in learning to produce or supply civil government without also teaching the art of protecting the production and making the government invincible, is essential.

By following the plan suggested here, an adequate and constantly increasing force for public defense will be established at slight cost. Through educational institutions all classes of citizens would be enrolled. An invulnerable military spirit for public defense would be engendered without inspiring aggressive war measures. The establishment of military education in all our institutions of public learning and the constant teaching of law enforcement would tend to eliminate some of the weakening influences now directed against the National Guard, and doubtless result in much added strength to that organization. The use of Federal army officers in the aided educational institutions just as they are now employed for drill in the National Guard and the

agricultural colleges, will tend to mould all branches of the service into one harmonious force. Teaching the importance of maintaining the fundamental principles upon which our government was founded and instilling the patriotic purpose of maintaining those principles at any cost, will weld the country together so strongly as to discourage any thought of invasive attack. By supplying these organizations with modern equipment would put them in constant readiness for call to order. The regrettable secret opposition found in some quarters against the military uniform would disappear; there would ensue greater respect and honor for the flag, and the very kind of reserve we would possess would make our nation invincible to any foreign foe.

GOVERNOR GOLDSBOROUGH (of Maryland)—Presiding Officer of this Conference and Governors. I am in hearty accord with every word spoken by Governor Quinby of New Hampshire, and I endorse in part what has been said by Governor Hammond.

Loyalty means much, patriotism means much, devotion to that flag means much, the white of which stands for the purity of the people, the red of which stands for the blood shed in behalf of an oppressed people, and the blue for the hope of the people under it.

But loyalty, patriotism and devotion are not sufficient to defend the American nation if war should come upon us. I am proud of the American navy. I am proud of the army of the United States. In officers, in men, they equal any in the world. The ships of the American navy at the time they were built equalled any of their class of any nation. But this is a practical question and we have but to look to the North Sea in the battle not many months back when the "Blucher" was sunk, not because of the inefficiency of her officers and men but because she was too slow and could not get away from the range of the guns of the strong and fast ships of the allies, and I think I am right when I make the statement that the "Blucher" is  $4\frac{1}{2}$  knots faster than any American naval war vessel.

FORMER GOVERNOR GILCHRIST—Ours would not have to run.

GOVERNOR GOLDSBOROUGH—You have got to run if the others run after you and you cannot stand and fight.

In the State of Maryland, which I have the honor to represent, this feeling of adequate preparedness has taken hold of the sober, thoughtful minds of the people of that state. It is not a political question. They have organized in that state a "Maryland League for National Defense." It has been done by the leading professional men, manufacturers and business men in the state, and politicians have no part in it.

My calm judgment on this vital matter—now needing the earnest consideration of every American—is most strongly and forcefully expressed in an "Address" issued by the "Maryland League for National Defense" to the citizens of Maryland, and which I now desire to read and commend to the thoughtful attention of the people of this nation:

"The war in which all the principal nations of the old world are now engaged is without a parallel in history. The military and naval forces on each side are vastly greater than any that ever before faced each other in battle on this planet. The victor in this great conflict will, or at any rate may, possess a power of offense so great as to place any country which is not in a condition of reasonable preparedness against war entirely at his mercy.

"It is not possible to foresee with any confidence what the feelings of that victor may be toward the United States of America. Up to the present time the Government of this country has exerted its every effort to maintain an attitude of strict neutrality. We have manifested entire impartiality in our dealings with the contending powers, and yet it must be evident to all that we have not succeeded in avoiding the arousing of some very fierce antagonisms. The truth is that in a conflict like this the neutral has no friends. It is impossible for him to have any.

"This is not a war between monarchies or governments. It is a war between peoples in which the whole people on each side believe themselves to be fighting for a just cause, for their dearest rights, and indeed for their very national existence. One side believes that it is fighting for the "free-



dom of the seas," and that we, who have heretofore so often proclaimed ourselves the champion of that freedom, ought now to be on that side. The other side believes that it is fighting for the freedom of mankind, for the preservation of civilization and the prevention of a return to methods of barbarism in war—that it is fighting our battle and that we are false to our highest duty to humanity in not coming to the rescue. Under such circumstances, the more strictly we preserve neutrality the more likely we are to have the ill will of the conqueror in the European struggle, whoever he may be.

"It requires nothing but the exercise of the most ordinary common sense to see that we ought to be prepared to defend ourselves, if necessary, against the great power which we shall thus have aroused to anger against us. The fact that it will not have been our fault furnishes no guarantee whatever of immunity from attack.

"To illustrate: In the year 1805 Napoleon entered upon his celebrated campaign against Austria and Russia, which resulted in the complete overthrow of the combined power of those allies in the crowning victory of Austerlitz. During that war the kingdom of Prussia remained absolutely neutral—neutral but unprepared—unprepared, at any rate, for the tremendous attack which was made upon her by the victor of Austerlitz in the following year. That attack resulted in the annihilation of the Prussian military power at Jena, the dismemberment of the kingdom, the loss of one-half of its territory, and the subjection of the remainder to the condition of a dependency of France, a condition in which it remained for seven years.

"The idea that we can be assured of having peace by remaining peaceful ourselves and unprepared for defense has no warrant whatever in human history. It requires two to make peace; it needs only one to make war. We cannot have peace at any price if the opposite party does not choose to name a price. He may prefer war at *any* price and refuse to give us the option.

"All military and naval authorities concur in the opinion that the United States at this time is not prepared to defend

itself against an attack by any first-class power. That it ought to be so prepared is a proposition which would seem to be too plain for argument. In order to be so prepared it will not be necessary, according to the opinion of the most competent experts to establish or maintain a standing army of dangerous size, or to increase to any material degree the burden of taxation.

"It has been demonstrated that if the money which we are already spending upon our army and navy were applied as judiciously as that which is now spent upon the armies and navies of France, Germany and England, we could have all the naval and military equipment which we require at very little additional expense. A definite military or naval policy should be decided upon and put in force without delay. Our standing army should be of such size as those most competent to judge such matters advise to be essential for our safety, when taken in connection with the proper system of military training for our citizens.

"The president has said that our main reliance in future, as in the past, must be "a citizenry trained and accustomed to arms." There is no pretense that we have such a citizenry at this time. Manifestly it is the duty of Congress to see that there shall be no delay in taking measures to secure such training. The idea that the establishment of such a system—a thoroughly up-to-date navy and standing army of moderate size, backed by a vast body of citizen soldiers—men whose business is not war, but who have been trained to the use of arms so that they will be available as soldiers in case of need—is not militarism; it is simply common sense. A system of this kind will furnish the best security against war that the human wit can devise.

"And there is one fact which appears to have been developed by the present war that is most encouraging to those who are desirous that our country should be insured against being exposed to the horrors of war. It seems to have been demonstrated that in war, under modern conditions, with the use of modern arms and scientific agencies of all sorts, such as the repeating rifle, machine gun, barbed wire entanglements, aeroplane, telephone, etc., the position of the

defense is so much stronger as compared with that of the offense, or attacking party, than it was in former times that it has become practically impossible to overrun any country which is in a reasonable state of preparedness against attacks. It is believed that even so small a country as Switzerland could not be successfully invaded at this time by either of the gigantic combatants, except at a cost which would be practically prohibitory.

"All that it would seem necessary for the United States to do, therefore, in order to secure to its people the blessing of continued peace, is to place itself in a similar condition of preparedness against attack. This has been accomplished by Switzerland without militarism in any shape or form, and Switzerland has about the population of the Commonwealth of Massachusetts, about 4,000,000 of people, and it has, as a matter of defense, an army now surrounding it of more than half a million, 250,000 of which I am advised can be mobilized inside of 24 hours. We are strongly disposed to believe that a system of a similar character ought to be adopted in America.

"By reason of the strategic importance of the Chesapeake Bay, as well as because of our proximity to the National Capital, Maryland is peculiarly exposed to attack in case of a foreign war. It is only natural, therefore, that the people of that State should take the lead in a movement like this, the object of which is to arouse our country to an appreciation of the realities and the needs of the situation."

GOVERNOR CURTIS—As I am about to leave for home on a train that leaves soon I would like to say a few words, and I will pledge myself to keep within the five minutes.

I think I voice the sentiments of the whole people of Maine when I say that they are thoroughly alive to this question of preparedness. Much has been said here about the limit of the men we should have. I care not what the limit is, there is no fear that we will get too many. There is no fear that we will have more fortifications than we need. The country is money mad to-day, and if the people don't awake and spend their own money, and look after their own money somebody else may come in and take their money and

spend it for them. I would like to bid good-bye to all of the gentlemen as I may not see each one of them individually.

GOVERNOR MANNING—We are sorry to have you leave at this time, Governor Curtis.

FORMER GOVERNOR GILCHRIST—I wish to invite attention to the fact that of the \$100,000,000 spent each year, not all of it goes for the benefit of the army. Some gentleman has stated the amount spent on each man in the army, but the facts do not bear him out. How many Governors are there on the floor here to-day who do not know of efforts to secure appropriations just to have them expended in their state? Many of your men in Congress work to maintain the present army posts just in order to have the money represented by the pay rolls expended in some place in their district. We all know that in times of war it is the volunteers who have done our fighting. You have stated here, which I think is correct, that you ought to make it so interesting to citizen soldiery that citizens will become soldiers in time of peace. I think that the Dick law will operate against many men joining, because one of the features of that law is to place the militia in time of peace similar to that of the regular army. You know that in the regular army the man who wears the shoulder straps is an officer and a gentleman, and the enlisted man is not. When you bring that into the militia in the state another feature comes into it. In my state recently we had to pass a law by which the commission of an officer would be like that in the army. We had been commissioning them for four years and they could have another election then. But now it is like a commission in the army, if you are a major you are a major forever, unless promoted, and there is no incentive for a man to work for promotion.

Now, so far as I am concerned I realize the state of unpreparedness in this great country. There is nothing like being prepared when you have got a little speech to make. A great many men get up sometimes and give the impression that they have not a speech ready, and are talking extemporaneously, when as a matter of fact they are all loaded. But I have not got mine this time. I do not think there is any use in going into hysterics about the unpreparedness of this

country. When this war commenced very few of us realized what the submarine was, and that the submarine would itself torpedo the old system of naval strategy represented in these old ships. That has changed and by the time this war is over we shall have learned so much more that if we build now everything would be ancient history by the close of the present war.

Now when this war is over, if it lasts two years more, there won't be a first class Army and Navy in the world, excepting that of the United States.

GOVERNOR STUART (of Virginia)—I have listened with great interest to the very able and suggestive papers which have been read here to-day, and with equal interest to the remarks that have been made in connection with those papers. It seems perfectly clear to me that there is no difference of opinion, and never has been in this country, on the proposition that a certain amount of preparedness was necessary to the safety and well-being of the nation.

Every party platform has called for an adequate defense. The question is—what is adequate. If a man takes a position against preparedness, then the whole policy of this country in having any standing army at all of any size is on its face absurd.

The question to be determined is, as it appears to me, what is adequate? That is indeterminate and dependent upon circumstances from year to year, and from era to era. What was deemed adequate ten years ago or five years ago or two years ago, as matters then appeared, might not be deemed adequate today.

I have heard the suggestions offered in the papers read and some suggestions offered since, and it seems to me that the only important thing for me to do, representing my State of Virginia, is to express the general proposition that we believe in adequate preparedness in the light of today.

The method of accomplishment is a matter of detail whether solely by increasing the standing army or by a citizen soldiery in co-operation with the several states or both; or with an army of insurance people as suggested by the Governor of Minnesota. It is possible that all of those

sources are available and can be made more so. It is for Congress to say, for the National Administration to say finally, I suppose, which of these plans will be adopted, if any, and to what extent each one will enter into the general plan of increasing preparedness. My only object in taking the floor at all is to record myself, and as far as I may do so, my State, in favor of a substantial increase in our preparedness, and as I say, that is a question for further discussion. We believe that as big a country as this needs a greater state of preparedness than we enjoy today, and speaking for Virginia I simply wish to leave that as a matter of record in this meeting.

GOVERNOR WALSH—A suggestion has occurred to me, Mr. Chairman, in view of certain action taken by our own State Government the past year, that would be of interest to the Governors assembled here. Everybody in every address agrees that there is need of something being done by the States and the National Government to further provide for defense of this country in time of trouble.

Provision easily, or fairly easily, can be made to do so immediately. Money can be raised. Men can be hired to go into service and all the equipment necessary may be obtained in one or two or three years. But back of all that is something very much more important, and I think that this question cannot be settled unless we appreciate that there is a duty resting upon the Government, State and National, not only to spend large sums of money as it is doing for the education of its citizens, of its youth, of its boys, to be good citizens and intelligent citizens and capable of solving the problems in times of peace; but there is a duty and an obligation resting upon the Governments to educate our boys in schools to be competent soldiers when they become citizens.

And I think we must go into the schools and when our boys are ripening into manhood give them the means and the opportunity and the encouragement to have a love and a fondness for the love of the service which was so well displayed upon the streets of this city yesterday.

One of the most impressive scenes which has occurred since I have been Governor occurred a short time ago on the streets

of Lawrence. When I found several hundred young boys there 13 to 18 years old, formed into a regiment, with their colonel and majors, and drum corps, splendidly equipped and splendidly trained, I asked where this training and education came from, and I found, first of all, that they were boys working in the factories of the city, the very poorest boys of Lawrence, that they and their own friends were paying their money for the uniforms, for the hall to drill in, and for all the equipment necessary.

I say that is wrong. The State and the National Government should open up its armories and give equipment and arms to every man or boy that wants to be trained for citizen soldiery. And it seems to me that that is a very important aspect of this subject, by agreeing that something must be done to help and encourage our citizen soldiers.

Money therefore is necessary and more than that encouragement, and the Commonwealth of Massachusetts in this year's legislature passed and adopted the following act which I know will be of interest to the Governors because it relates to the great subject we are discussing.

"RESOLVED, That three officers of the militia of the rank of captain or higher rank, and six persons not members of the militia, all to be appointed by the Governor within two weeks after the passage of this resolve, shall constitute a board to inquire into and report upon the following matters:

(1) The practicability of providing military education for boys between the ages of fourteen and twenty-one for the purpose of securing a proper military training and discipline for the youths of this commonwealth and improving their physical, moral and mental qualities and for providing for the commonwealth an adequate basis for citizen soldiery.

(2) The practicability of providing military training for youths in the public high schools.

(3) The advisability of requiring enrollment in the Massachusetts volunteer militia for a period of three years of all male citizens and of such as have declared their intention to become citizens upon attaining the age of twenty-one years, or a sufficient number thereof to maintain the several or-

ganizations of the Massachusetts volunteer militia at the maximum strength prescribed by law.

(4) The practicability of creating a militia reserve in the commonwealth, including:

A. The keeping of records by state authorities of all retired members of the militia, with names and addresses for a period of seven years after the termination of their enlistment;

B. Provisions for limited periods of training for such retired members;

C. Organization of said militia reserve and methods by which it might be mustered as active militia in case of need;

D. The cost to the state of any plan recommended by the board. The board is authorized, in its discretion, to consider any related matter whether or not the same is particularly mentioned in this resolve. The members of the board shall serve without pay, but the board may employ a clerk and incur such expense in the performance of its duty, not exceeding one thousand dollars, as may be authorized by the governor and council. The board shall report the result of its investigations to the general court on or before the second Wednesday in January in the year nineteen hundred and sixteen, and shall accompany its report with such recommendations for legislation as the board may deem advisable."

A commission has been appointed under that Resolve and is now studying the various problems suggested there, and I think that we might very well consider seriously if we have not got to begin with the education of our youth, with the work which can be done to encourage and inspire them, with the honorableness of the profession of being a citizen soldier. Further, I do not know of any better service that can be rendered by a public official or by a private citizen than to encourage those who are already our citizen soldiers and to have the public know and appreciate the sacrifices that they make to be citizen soldiers, and the work and the energy and the enthusiasm and the patriotism which they manifest. It seems to me that we, as leaders of thought, in our respective communities can do a tremendous amount to dignify, to elevate, to make honorable and attractive this most import-



ant of public services, the service of our men being ready to answer to call, prepared and equipped, in time of danger.

FORMER GOVERNOR MCGOVERN—Governor Walsh just said that the work before us in preparing the country for adequate defense implies more than the mere supplying of arms and ammunition, that it is a work of educating the youth. Let me supplement that by saying that it is also a work of educating the adults, the grown men and women of this country.

I find myself in agreement with the trend of discussion this afternoon from beginning to end, and particularly with the very able papers of Governor Fielder and Governor Dunne. It presented a striking contrast. We are told on the one hand that we are utterly unprepared, and on the other that we have spent more money than any other nation in recent years for purposes of national defense. If, then, we are unprepared, as we all know we are, it is not because of national parsimony.

Let us find the cause. It seems to me it is largely because we have been mentally chloroformed on this subject in the last three or four years. There has been an international peace propaganda on in America. We have all received the literature of this society, backed by wealthy men interested in the settlement of international disputes by means of arbitration. It is no novelty to say that the country is governed by public opinion, or that the men who mould public opinion really control the current of its affairs. If you permit a society, unopposed as this society has been, to issue well written, plausible and persuasive articles month after month and year after year, and to send them out well printed and in attractive form to the citizenship of a republic such as this, it is only a question of time when the people will become converted to the doctrine to which the propaganda is devoted.

One trouble in this country today is that we have been overpersuaded as to the efficacy of the peace proposals of this society. Its thesis is fundamentally unsound and it seems to me its conclusions must be rejected before we shall

face this question intelligently and fairly with a disposition to solve it finally.

Take our own internal affairs, if you please. If the judgment of a court is rendered against me, I obey it. Why? Is it because I respect the judge who rendered that judgment? No. I may like him as a man, but as a litigant the judgment has gone against me. Is it because I respect the government, or because I feel as a patriotic citizen that I am bound to obey its decrees? No. I am speaking now not of myself, of course, but of the average man. We all realize that we are compelled to obey the judgment, whether we like it or not. We do what we know we must do and we bow to the decree of the court because resistance will do no good. In other words, government within the state and within the nation rests ultimately upon force. Without this sanction it would crumble and fall apart in a day. That being true how can we expect the civilized nations of the earth upon considerations of equity and fairness, merely, to come to a binding conclusion as to the rights of any people when they conflict with those of another people?

We have found through experience that in international affairs as in domestic affairs force rules the world. The proposals of this peace society therefore will never work in practice until there is put back of these decrees of arbitration the same authority, the same sanction, the same force, that give efficacy to the judgment of our courts in state and nation. Yet, notwithstanding this fallacy, that propaganda has gone on and we have submitted to it until the members of our militia are referred to as "tin soldiers," until the appropriations for the national guard have been cut down in every state, until almost every incentive to enlist has been taken away and every encouragement to the officers has been denied.

The result is precisely what might be expected. I am told there is a fortress up here on the Maine coast where \$2,500,000 has been spent, \$1,500,000 for fortifications, \$500,000 for land, and \$500,000 more for barracks and drill grounds, and today there are stationed there in charge of it just eight men! Why? Because public sentiment has been willing to

tolerate large appropriations and lavish expenditures, but it has not been willing to encourage the presence of a citizen soldiery or a sufficient number of regular troops, thinking these things inimical to the welfare of the country and unnecessary to the protection of our national interests.

Now, until we meet and overcome this propaganda that that has been carried on for a number of years, the seed we wish to see planted will fall on inhospitable soil and there will be but little hope that the right fruitage will follow.

A book has just been put upon our desks bearing the title—"AMERICA FALLEN. SANDY HOOK FORTS CAPTURED FROM THE REAR. GERMAN FLEET AT ANCHOR IN LOWER BAY. GERMAN OFFICER IN TAXICAB VISITS CITY HALL AND DEMANDS \$5,000,000. WASHINGTON CAPTURED. GERMAN TROOPS ON GUARD AT THE TREASURY DEPARTMENT."

For one, Mr. Chairman, I believe we are just as secure today as we have ever been, at least there is as little danger today as there has been at any time for a score of years. The nations powerful enough to menace us are now fully occupied with other things across the water. But, nevertheless, we can never be sure and therefore we shall never feel secure until we put the country in a condition of preparedness such as its dignity, its importance and its vast interests demand.

GOVERNOR STEWART (of Montana)—Mr. Chairman, I am sure that we have all enjoyed the discussion, and it could be continued indefinitely. Most of us agree with the sentiments, and I certainly want to subscribe to them myself. However, I realize that the hour is getting late and I wondered if we were to hold an executive session before we adjourned here tonight.

GOVERNOR MANNING—No, Sir; I think that will be held on board the boat so that we have until 5 o'clock.

GOVERNOR STEWART—A good many Governors will not be able to go on that trip and be able to participate in it.

GOVERNOR MANNING—Have you fixed any hour, Governor Walsh, when the meeting will terminate?

GOVERNOR WALSH—The committee is awaiting us and will desire to have us leave as soon as we can. There is a short business session to be held anyway. And if there is nobody to discuss this subject further I suggest that we might take that up.

GOVERNOR STEWART—I move that we go into executive session.

FORMER GOVERNOR FORT—I ask that Governor Dix be permitted to present the report of the committee appointed on the U. S. S. "Wyoming" on Wednesday, to submit resolutions of thanks.

GOVERNOR MANNING—If there is no objection.

FORMER GOVERNOR DIX—The committee appointed on board the "Wyoming" recently was to prepare a resolution, and I have the pleasure and honor of introducing it. (Reads):

"The Conference of Governors desires to enter this minute of its appreciation of the courtesies and hospitalities extended to its members by all the people of the Commonwealth of Massachusetts and the City of Boston. It is difficult to portray in language, the character and extent of the exceptional attentions and courtesies that have been extended to us. Nothing has been left undone; nothing seemed too generous for the good people of this Commonwealth to do. It has been a genuine and royal hospitality.

To Governor Walsh who has striven so constantly to make our stay delightful, our special thanks are tendered.

To the Secretary of the Navy and to the Admiral and the officers of the visiting fleet, we offer our words of praise and commendation for giving us the privilege of witnessing the manoeuvres which will remain an important and instructive feature of this conference.

It was with pleasure and profit that we were permitted to review the excellent demonstration by the unselfish and patriotic officers and men of the militia of the Commonwealth of Massachusetts. It was a splendid illustration of the possibilities and powers of the National Guard in the plan of national defense.

To the Mayor of the City of Boston, we acknowledge our deep sense of gratitude.

We extend to the other officials of the Commonwealth and the Citizens Committee of Fifty of Boston our unfeigned appreciation. Everything has been done that could be done for our comfort and pleasure.

To the women of Boston who have so charmingly entertained the women accompanying us, our profound thanks are also given.

The citizens of this great Commonwealth have proven themselves the most exquisite hosts, and a most kindly and friendly people; and we, and all who have accompanied us, will carry away from this session a delightful memory that will abide with us during our remaining years.

We have found that the place where liberty was cradled is the home of warm-hearted and lovable men and women. It is such people as you who make life worth living and this Nation great. Our prayer is that God may bless and prosper Massachusetts and all her people.

JOHN A. DIX,  
JOHN FRANKLIN FORT,  
FRANK M. BYRNE."

The adoption of the resolution was duly moved and seconded, the question was put and the motion agreed to by a rising vote.

(Thereupon the public sessions of the Eighth Annual Conference of Governors were terminated, and the Conference immediately thereafter convened in executive session.)

## EXECUTIVE SESSION.

FRIDAY AFTERNOON, AUGUST 27, 1915.

The Conference met in Executive Session in the House of Representatives, State House, Boston, immediately following the close of the afternoon session.

Upon invitation of Governor Spry, Salt Lake City, Utah, was selected as the next place of meeting.

The exact date of the next meeting, to be held in 1916, was left to be fixed by the Executive Committee.

On motion made and seconded Governor William Spry of Utah, Governor Henry C. Stuart of Virginia and Governor Arthur Capper of Kansas were unanimously chosen the members of the Executive Committee for the ensuing year.

The committee appointed to audit the treasurer's accounts reported that the accounts had been audited and found correct.

The Treasurer's report as approved, and the committee report thereon, is as follows:

BOSTON, MASSACHUSETTS, August 24, 1915.

JOHN FRANKLIN FORT, Treasurer.

## IN ACCOUNT WITH THE GOVERNORS' CONFERENCE.

## RECEIPTS.

1914.

Dec. 10.	Balance in the hands of the Treasurer, as per report of November 10th, 1914, to the Governors' Conference at Madison, Wisconsin.....	\$ 556.65
	Since received from M. C. Riley, Secretary, and the Comptroller of the state of New Jersey, the following assessments from States:	

## 1914.

Dec. 10.	Connecticut.....	\$150 00	
"	Iowa.....	150 00	
"	Minnesota.....	150 00	
"	Montana.....	150 00	
"	New Mexico.....	150 00	
"	Vermont.....	150 00	
"	Wisconsin.....	150 00	
"	Wyoming.....	150 00	
Dec. 23.	Illinois.....	150 00	
"	Maine.....	150 00	
"	Massachusetts.....	150 00	
"	New Hampshire.....	150 00	
"	Ohio.....	150 00	
"	South Dakota.....	150 00	

## 1915.

Jan. 6.	Nevada.....	149 50	
"	Utah.....	150 00	
Feb. 10.	Colorado (1914).....	150 00	
Mch. 22.	Alabama.....	150 00	
Mch. 22.	Delaware.....	150 00	
Aug. 17.	New Jersey (1914-1915).....	300 00	3,149 50
Total receipts.....		\$3,706 15	
Aug. 18.	Interest, November, 1914 to August 1915, inc.....	24 96	
			<u>\$3,731 11</u>

## DISBURSEMENTS.

## 1914.

Nov. 20.	Check to M. C. Riley, Secretary, expense for telegrams, publicity, photos, stationery, postage, etc., per statements attached to voucher (voucher No. 1).....	\$ 204 56
Dec. 15.	Check to M. C. Riley, Secretary, for salary for August, September, October and November, 1914, as per approval of Executive Committee (voucher No. 2).....	500 00

## 1915.

Mar. 26.	Check to M. C. Riley, Secretary, for salary for December, 1914, and January, February and March, 1915, as per approval of Executive Committee (voucher No. 3).....	500 00
Apr. 9.	Check to M. C. Riley, Secretary, for expense for express charges, trip to Milwaukee, postage, etc., as shown on voucher (voucher No. 4).....	69 56

Apr. 9.	Check to Cantwell Printing Company for letter-heads, envelopes and Annual Reports of Conference (voucher No. 5).....	\$ 834 75
May 27.	Check to M. C. Riley, Secretary, for salary as Secretary for April and May, 1915, as per approval of Executive Committee (voucher No. 6).....	250 00
Aug. 9.	Check to M. C. Riley, Secretary, for salary for June and July, 1915, per approval of the Executive Committee (voucher No. 7).....	250 00
Total disbursements.....		<u>\$2,608 87</u>

## SUMMARY.

Total receipts to date.....	\$3,731 11
Total disbursements to date.....	<u>2,608 87</u>
Balance in hands of Treasurer, August 18th, 1915.....	\$1,122 24

Respectfully submitted,  
JOHN FRANKLIN FORT, *Treasurer.*

Dated August 24th, 1915.

There has been no change in the account since pass book bank balance made up on August 18th, 1915.

JOHN FRANKLIN FORT, *Treasurer.*

August 26, 1915.

We, your committee appointed to audit the accounts of the conference treasurer, beg to report:

We have complied with the directions of the conference, and find the accounts of Treasurer Fort to be correct and in accordance with the financial statement hereto attached.

Respectfully submitted,

ERNEST LISTER,  
RICHARD I. MANNING,  
H. C. STUART.



Honorable John Franklin Fort was unanimously re-elected Treasurer.

Miles C. Riley was unanimously re-elected Secretary.

A motion to assess each state \$150 to defray expenses for the current year was unanimously adopted.

A motion to pay the charges of the official reporter from Governors' Conference funds was adopted.

There being no further business before the Executive Session the same was dissolved.



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